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ABSTRACT

Presented alphabetically by state are summaries of the legal provisions for delivery of educational services to handicapped children on a cooperative basis among school districts as of June 1, 1973. It is noted that the total number of school districts has steadily declined during the last 40 years. Among organizational patterns reported to be used to deliver special education services on a regional basis for tuition contracting (allowing two or more small districts to combine resources for the operation of one program); state wide regional organization (New York's Board of Cooperative Educational Services is an example); regional education service centers providing for instructional materials distribution, consultative assistance, and inservice training to meet special education needs of local districts (Texas is an example); and voluntary association of school districts into cooperatives to deliver special services, select personnel, and regulate financing. Another alternative is given to be the special district which concentrates on the delivery of a specific education service. The legal base of regional programs is reported to vary from minimal guidelines (Alabama, Mississippi, and New Mexico) to detailed laws and regulations regarding administrative responsibility and the types of services and programs to be offered (such as in California, Indiana, and Minnesota). (DB)

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LEGAL PROVISIONS FOR DELIVERY OF EDUCATIONAL SERVICES ON A COOPERATIVE BASIS TO HANDICAPPED CHILDREN

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As the opportunities for handicapped children to receive an education expand in the United States, there is an increasing awareness that the degree and quality of this expansion is heavily dependent on the activities of government at all levels and in all branches -- executive, judicial, and legislative. Recognizing government's crucial role in the expansion process and the information needs of persons or agencies involved in or considering change, The Council for Exceptional Children through a grant from the Bureau of Education for the Handicapped, U.S. Office of Education established the State-Federal Information Clearinghouse for Exceptional Children (SFICEC) to provide this information.

The purpose of SFICEC is to identify, acquire, process, selectively retrieve, and disseminate information pertaining to government and the education of handicapped children. In carrying out this charge, SFICEC has developed a computer-based information system for the efficient and accurate retrieval of information.

To disseminate this information, SFICEC develops and distributes information products with material drawn from its data base. The products focus on specific areas pertaining to government and the education of handicapped children and utilize information from the law, administrative literature, attorney general's opinions and actual litigation. Other products discuss key issues and areas of concern to educators, parents, and public policy makers. In addition, SFICEC is also prepared to conduct searches to answer individual specific information requests.

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Alan R. Abeson, Director

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During the last 40 years, the total number of school districts in the U.S. has steadily decreased. In 1932 there were 127, 244 local school districts and in 1965-66 there were 26, 800 districts with 2,420 of these not operating schools. In 1968-69 there were 20,011 school districts with 9,471 of these conducting special education programs. Although this trend implies that fewer school districts today serve larger populations, it is important to point out that nearly 60% of all school districts in the nation have fewer than 1,200 pupils. In addition, 40% of all pupils are enrolled in districts with over 12,000 pupils.

The State-Federal Information Clearinghouse for Exceptional Children after analyzing laws and regulatory material relating to the delivery of special education services on a regional basis have isolated several organizational patterns which are used individually and/or simultaneously.

The first is tuition contracting. School districts have quasi-corporate powers including the ability to enter into contracts. A small school district may be unable to provide a program for children with low incidence handicapping conditions such as visual impairment and may contract with a neighboring school district or agency for this special program. Through a contract, two or more small districts may combine efforts, usually selecting one district to establish and operate the program.

Secondly, the regional approach extends a step beyond tuition contracting. New York's Board of Cooperative Educational Services (BOCES) is an example of this approach. In addition to contractual authority, governing bodies of school districts in New York may contract with BOCES units. BOCES units in addition to providing special education services may also provide other services such as teachers of art, music, physical education, and vocational education, data processing, and vocational programming.

A third form of regionalization is the regional education service center as found in Texas. Provision is made for instructional materials distribution, consultative assistance, in-service training and other special service needs of local school districts.

The county is used in many states as the regional base for establishing cooperative service programs. Wisconsin, for example, provides for the establishment of handicapped children's education boards on a county level.

The fourth form of regionalization is the voluntary association of school districts to deliver special services. This arrangement, commonly called the cooperative directly or through its constituent districts, develops policies guiding the delivery of services, selection of personnel, and financing. In this manner, school districts voluntarily join to form an agency they collectively regulate. Cooperatives are organized to make special services available as a result of the desire of member school districts.

The special district is another alternative. While limitation of functions may be specified, it operates with the same powers and responsibilities as any school district. The special district differs in that it is "special purpose" in nature targeting upon the delivery of a specific education service. The district is a legally constituted unit responsible for its own policies, financing, and budgeting. It is subject only to legal

limitations and the responsiveness of its patrons.

There exists a wide differential among the states regarding the legal base granted to local education agencies to conduct programs using any of the approaches. Approximately 20% of the states have minimal guidelines. In Alabama, Mississippi, New Mexico, and Rhode Island the law merely states that districts which cannot support their own programs may join together to provide services for the handicapped. How districts are to do this, the powers they have once joined, and other administrative matters are not delineated in the law or regulations. Other states such as Louisiana and West Virginia grant to their local education agencies the authority to purchase special educational services from other districts. One state, Nevada, assumes the districts will not want to join together because of geographic and population differentials, but state law and regulations do not prohibit these unions.

Conversely, many states have detailed law and regulations. States such as California, Indiana, Minnesota, Missouri, Wisconsin, and New Jersey spell out policy in many areas including administrative responsibility and the types of services and programs to be offered. In some states such as Minnesota a special intermediate school district may be formed only after a referendum in the concerned districts. Tennessee's school districts may perform all or part of its special education functions by participation in a special services association. This association is established by a resolution of each of the governing bodies of the participating districts. The association then makes policy and provides services for the entire geographic area covered by the participating school districts.

Although this material is as current as possible the constant updating and revision of both law and regulations may render some of the material out of date.

ALABAMA

Districts may jointly provide services to exceptional children.

ALASKA

An exceptional child may be sent to classes in another school district with the consent of his district or the state-operated school, if he resides in a district or school attendance area with no provision for classes or if existing classes are inappropriate for his needs. The commissioner of education determines feasibility of a child attending a special class elsewhere in the state or in another state.

A child may be sent to another state for special education services if the child's district of residence or school attendance area has no provision for classes appropriate to his needs.

School districts accepting students from other school districts of the state collect tuition from the sending district at a rate based on that district's actual local contribution rate. Receiving school districts may bill the state for any difference between its own tuition rate and that of the sending district.

If enrollment out-of-state is approved by a school district or the state director of the state operated system and the commissioner, the child's expenses are paid as follows:

1. the school district or board of the state operated schools pays an amount equal to the local per pupil contribution;
2. the board of the state operated schools pays (a) 75 percent of the annual cost of the child's education or (b)an amount that when added to the local contribution equals the total cost of the child's education, whichever is less but not exceeding $6,000; and
3. the parent or guardian of the child pays any remaining cost, unless it is determined that the parent or guardian is unable to pay. In that case the remainder is borne by the local school district or board of the state operated schools.

ARIZONA

The governing body of a school district or the county superintendent of schools may establish special education programs for exceptional children in cooperation with another district or districts. If two or more governing bodies provide services by joint agreement, they may establish a written agreement for the provision of such services. In the agreement, one governing body administers the program in accordance with the contract. Tuition students may be included in the agreement.

Those school districts which do not provide special programs may petition the county superintendent of schools. The superintendent may, with the approval of the division of special education, establish special education services under the rules and regulations of the division of special education.

ARIZONA

School districts or county superintendents may contract with other approved public or private agencies inside or outside of the district for the education of exceptional children in accordance with the rules and regulations of the division of special education.

The county school superintendent may, upon approval of the division of special education, establish special education programs in the county accommodation schools under his jurisdiction or may cooperate with other school districts by agreement to provide such programs. The class size must be consistent with the approved guidelines established by the division of special education. At the beginning of each school year, the county school superintendent must apply for approval from the division of special education.

At the end of the school year, the county school superintendent must submit to the division of special education the names and districts of residence of students attending.

The county school superintendent may use the special county school reserve fund to start a new class.

If the county superintendent of schools has established (with the approval of the division of special education) special education programs in county accommodation schools or has cooperated with other school districts for the provision of special services, he submits an estimate of the current year's tuition cost to each district which has signed an agreement to use the services of the accomodation school at the beginning of the next year's term. Tuition shall be the estimated per capita cost, based on the number of pupils each school district estimates to enroll in the program. The school district pays the tuition in advance quarterly payments on July 1, October 1, January 1, and April 1. During the school year, increases in enrollment over the district's estimate will cause the tuition charge to be adjusted. In the event of over-payment, adjustment is made at the close of the school year.

ARKANSAS

In districts where there is not a sufficient number of children to organize a special class, children may be entered in special classes in other districts if the plan is acceptable to both districts and the board.

Two or more school districts may join together to establish special classes. One district may be designated as the controlling agent.

All reimbursement for the education of the exceptional children from the board will be made to the controlling district. Local revenues or tuition from other districts participating in the cooperative will be paid to the controlling district on an accepted, prorated formula per child.

CALIFORNIA

Party Entering Agreement	Party Providing Services	Program	Finance
School district governing board	County superintendent or governing board of another school district	Special educational programs for educationally handicapped minors by agreement with county superintendent or contract with another school district.	District of residence must pay expenses not covered by state apportionments paid to the county superintendent if the school district has an average daily attendance (ADA) fewer than 901 pupils. Foundation programs provide financing if the school district has an ADA of 901 or more pupils.
School district governing board	County superintendent or another school district governing board in the same or another county	Special educational programs for physically handicapped minors by agreement with county superintendent or contract with another school district. The county superintendent must report annually to the state superintendent the total ADA, type of instruction provided, cost of education and any other necessary information for programs that he operates.	A special county tax may be levied to raise the amount of money needed as determined by the county superintendent. This amount will not include any funds for the education of physically handicapped pupils through programs not operated by the county superintendent. Where contracting between school districts is carried on, the contract must provide for the actual payment of the cost of tuition by the district and may provide for the payment of the cost of the use of buildings and equipment. For any one category of physically handicapped pupils, the cost of tuition must not exceed the difference between prior expenditures per unit of average daily attendance and the state funds apportionment for that given category. The contracting district must have an ADA of 8,000 or more.

CALIFORNIA

Party Entering Agreement	Party Providing Services	Program	Finance
School district	County superintendent or another school district	Contract to provide education for physically handicapped, mentally retarded, or educationally handicapped children.	District of residence must pay all costs in excess of the amounts received from the state school fund by the servicing unit. Whenever a county superintendent is a party to such contracts, the school district of residence is the only party permitted to levy taxes to defray the cost of educational services under the contract. Contracting district(s) must have an ADA of at least 4,000.
Governing board of any unified, elementary or high school district required to provide for the education of severely mentally retarded children	County superintendent	Contract to provide a program of training for severely mentally retarded children. The county superintendent may limit the number of children admitted to such classes.	County may levy a tax (in excess of all other taxes) on districts in the county that have not been approved to operate programs. This tax may not exceed $.10 per $100 of assessed valuation. Funds raised by this tax will be credited to the county school service fund. Excess amounts colliected may be applied to reducing taxes in succeeding fiscal years.
Governing board of any school district or county superintendent of any county maintaining secondary schools	State agencies and departments, governing boards of school districts, county superintendents of other counties	Contract to provide occupational training, mobility training, sheltered workshops and work experience programs. Any school district governing board or county superintendent entering into a contract with the	The state superintendent describes qualification procedures and determines the amount of allowance.

CALIFORNIA

Party Entering Agreement	Party Providing Services	Program	Finance
		state department of rehabilitation may employ or allow to be employed in the school district employees of the state department of rehabilitation or other persons not employed by the department but certified by the department to be fully qualified.	
County superintendent	County program in another county or program in an elementary district	Special training classes for mentally retarded minors. Approval by the state superintendent is required.	The superintendent of public instruction will reduce allowances to the school service fund of the sending county by an amount determined as follows: $\frac{60¢ \text{ x each } \$100 \text{ of total assessed value}}{\text{total ADA of pupils}} \times$ ADA of pupils attending special schools or classes maintained by the county superintendent in grades K - 8.
County superintendent	High school or unified district	Special training classes for mentally retarded minors. Approval by the state superintendent is required.	The superintendent of public instruction will reduce allowances to the school service fund of the sending county by an amount determined as follows: $\frac{50¢ \text{ x each } \$100 \text{ of total assessed value}}{\text{total ADA of pupils}} \times$ ADA of pupils attending special schools or classes maintained by the county superintendent in grades 9 - 12.

CALIFORNIA

Party Entering Agreement	Party Providing Services	Program	Finance
School districts required to maintain special training schools and classes for mentally retarded minors	County superintendent or another school district; or a state college within the boundary of the county in which the school district is located	Special training schools or classes for mentally retarded minors. Transportation must be provided by the sending school district.	
School districts required	One or more school districts or department of rehabilitation	School or class in a hospital, sanitorium, etc. Governing boards of the districts may jointly employ personnel to administer and conduct the program.	The school district of residence pays the cost per school year of educating the child. The cost is determined by dividing the total current expenditures of the school district during each school year for the maintenance of the schools or classes less all apportionments from the state or allocations from the federal government for such classes, by the total number of units of ADA. State excess cost aid is provided. Districts receiving such tuition charges may include in their budget an amount necessary to pay the claim. If the amount is included in the budget, the board of supervisors must levy a school district tax to raise the amount. This tax is in addition to other taxes authorized by law.

CALIFORNIA

The schools and classes will be established in centrally located places, and the county superintendent shall provide transportation for the pupils attending them. The district shall pay (to the county service fund) all costs of education for these children which are in excess of the amounts, apportioned from the state school's fund for educable mentally children. Any elementary or unified district with an ADA of less than 901 (with the approval of the county superintendent) may establish or maintain special training schools or classes for educable mentally retarded children. The county superintendent of schools with the approval of the county board may establish or maintain special training schools or classes for these children residing in the county. The county superintendent may also contract with an elementary or unified school district with an ADA of 901 or more. The contract must be approved by the county board and will require the district to pay (to the county school service fund in the county or district in which the school is located) all costs for the education of these children in excess of the state apportionments.

The programs, with the approval of the county board, may be provided in one or more of the following wasy: 1) in special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade;
2) by employing emergency teachers to provide special instruction in the regular schools of the districts of the county; 3) by maintenance of special classes of secondary grade; 4) by employing home instructors giving individual instruction in the home or at the bedside in institutions and by employing instructors to provide remedial instruction for the physically handicapped in regular special day and special training schools or classes which he is authorized to conduct and by employing instructors to provide individual instruction for children with speech disorders or defects who are at least three years of age; 5) by cooperating with the department of rehabilitation and providing individual instruction and coordination services; 6) by contracting with the county superintendent of schools of another county or with the governing board of any school district; 7) by integrated programs of instruction in elementary or secondary grade, and 8) by employing instructors to provide individual instruction in school or in homes of minors who are deaf or hard of hearing as determined by the state board of education or between the ages of three and six. These schools and classes will be established at centrally located places, and the county superintendent will provide transportation to the students attending these classes.

The attendance of physically handicapped children instructed by the county superintendent will be credited as follows:

1. Attendance of elementary pupils into the emergency elementary schools and in special classes will be credited to the emergency schools.

2. Attendance of elementary pupils given individual instruction at home or at the bedside in institutions or minors with speech disorders or defects who are at least three years of age, minors who are deaf or hard of hearing and between the ages of three and six and given individual instruction in a school, in the home, or by cooperative arrangements with the division of vocational rehabilitation or in remedial classes or in integrated programs of instruction must be credited to an emergency elementary school maintained for physically handicapped pupils if such a school is maintained in the county. If no school is maintained, the attendance will be credited to an emergency elementary school, the total number of days of attendance of pupils shall be divided by 175 to compute

the ADA. The ADA thus computed will be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children. Attendance of pupils of secondary grades given individual instruction in the home or in institutions of a cooperative agreement with the division of rehabilitation or instructed in special classes of secondary grade or in remedial classes or in integrated programs of instruction of secondary grade will be credited to the county school service fund.

3. Attendance of pupils taught by emergency teachers in regular schools of the districts of any county will be credited to the districts except that the attendance of pupils taught by emergency teachers in the regular elementary school of the district of any county and the attendance of any elementary pupils in remedial classes will be credited to the county school service fund.

4. Attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county shall be credited to the county's school service fund of the county providing the services.

5. If the county superintendent of schools maintains an integrated program of instruction and contracts with the school district to provide instruction for part of the day in the regular classes of the district, the total attendance of pupils will be credited to the county school service fund at both the elementary and secondary levels.

School districts or a county superintendent of schools may maintain, with the superintendent's approval, one or more development centers for children between the ages of three and 21 who reside in or who are in the custody of persons residing in the district or county. The governing body or county superintendent will determine the hours, days, and months during which the development center is to be maintained. If a county superintendent maintains a development center, it will be on terms and conditions provided for in a written contract between the county superintendent of schools and the governing body of each school district.

The superintendent of public instruction will establish reasonable and uniform standards for development centers and for the admission of children.

Governing boards maintaining a development center may allow children from other districts to attend the center upon conditions mutually agreed to by the governing boards of both districts. The terms and conditions include payment of the costs required or authorized to be paid from the district general fund or a special development center tax levied by the operating district. The amount will be paid from any funds of the contracting school district available for that purpose.

Governing boards may permit the use of or furnish maintenance for buildings, grounds, equipment of the district and may use existing administrative personnel for the purposes of administering the program for development centers.

Governing boards of districts may enter into agreements with any city, county, or city and county, or other public agency for the use of property, facilities, personnel, supplies, equipment, and any other necessary items. Agreements may be entered into between governing boards and private nonprofit agencies.

CALIFORNIA

Attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of the school district of another county will be credited to the county school service fund of the county or district in which pupils are educated.

The maximum tax rate of the school district for any school year may be increased by an amount determined by the governing board of the school district that has entered into an agreement with another district or with the county superintendent for educational services and facilities including the rental of property or purchase of equipment for educable and severely mentally retarded minors. Minimum amounts will be included in the budget for the purchase or improvement of school facilities. Budget expenditures may include the cost of equipment and facilities, lease or lease-purchasing of buildings, lease of equipment, alterations or additions to existing buildings or other necessary capital outlay expenditures in connection with such educational services. If, at the end of the school year, there remains an unencumbered balance derived from the revenue of the increase in the tax rate the balance will be used exclusively for such expenditures in the following fiscal year.

The superintendent of public instruction is allowed to grant to county school service funds, in addition to all other allowances, state funds:

1. for all emergency schools maintained in each elementary school district of the county by the county superintendent of schools;
2. for all special schools or classes for mentally retarded and severely mentally retarded children maintained in each elementary school district of the county by the county superintendent of schools;
3. for all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps by the county superintendent of schools, and
4. for schools and classes for educationally handicapped children maintained in each elementary school district of the county by the county superintendent the same amount as he would compute as the foundation program of the elementary school district. No reimbursement may be given for emergency schools in excess of the actual expense of maintaining the school.

The ADA of physically handicapped elementary and secondary pupils, instructed by a county superintendent, whose attendance is credited to the county school service fund will be computed by dividing the total days of attendance of such pupils during the fiscal year by 175.

The ADA of mentally retarded children, instructed by a county superintendent, will be computed by dividing the total days of attendance by 175 and the ADA will be credited to the county school service fund. However, the ADA of severely mentally retarded children for the purpose of computing transportation allowances under Section 18060 will be computed by dividing the total number of days of attendance of the pupils during the fiscal year including the days of attendance in an authorized summer session by 175.

CALIFORNIA

The ADA of educationally handicapped elementary and secondary children, instructed by a county superintendent, whose attendance is credited to the county high school service fund will be computed by dividing the total days of attendance of these pupils during the fiscal year by 175.

If the county superintendent maintains an integrated program of instruction as defined in Section 18060.2 and contracts with the school district to provide the instruction for part of the day in the regular classes of the district, the total attendance of the pupils under the program will be credited to the county school service fund at both the elementary and secondary levels.

In cases where the education of such children is provided in buildings or facilities owned by the school district or county superintendent, the county or city and county of the child's residence shall pay the school district, or county superintendent of schools for the child's use of the buildings, facilities, and equipment an amount per unit of ADA in one of the following categories: 1) $35 in an elementary school district; 2) $55 in a high school district; 3) $42 in a unified school district; and 4) $44 to a county superintendent of schools.

The money received by the school district will be credited to its bond interests and redemption fund or building fund. Monies received by the county will be deposited to the credit of the county school service fund for use in providing school buildings and facilities for use of the county superintendent of schools to educate mentally retarded children, physically handicapped children, and non-immigrant children. Except for mentally retarded children and physically handicapped children, no payment may be made to a district for children described in Section 6951 unless the district educates from kindergarten through grade 12 at least 30 children described in Section 6951 in buildings and facilities owned by the district. No payment is made to a district under Section 6950, unless the district educates (from kindergarten through grade 12) at least 30 children described in Section 6950 in buildings or facilities owned by the district.

By July 15th of each year the superintendent of each California diagnostic school for neurologically handicapped children will report in writing to the governing board of all school districts the name of each pupil in residence and number of days attended by each pupil during the fiscal year. For each pupil in attendance, the school district shall annually pay to the department of education an amount determined by dividing the income credited to the general fund of the school district from the levy of the district tax rate and proceeds of taxes levied under sections 1822.2, 1825, 16633, 16635, 1645.9, 1943, 19610, and 20801 and 22101 by the average daily attendance of the school district and (2) multiplying the quotient obtained by the ratio of the number of days pupils attended the school bears to the number of days that the school was in session. The payment to the department must be made by September 30.

The superintendent of public instruction will apportion to the districts or county superintendents necessary amounts to operate development centers. In no event shall the amount apportioned exceed the sum obtained by multiplying $1.75 by the number of hours a child is in attendance at the center.

CALIFORNIA

Any school district or county superintendent maintaining such a center may include in its budget an amount necessary to carry out the program. The board of supervisors will levy a school district tax or county tax to raise the necessary amount. The tax is in addition to any other school district tax or county tax authorized by law. Funds derived from the tax may be expended in addition to state funds and will not operate to affect the operation or the formula for apportionment of state funds. Any tax funds raised in this section may be used to purchase land or buildings and to make alterations or additions to existing buildings and to purchase furniture, apparatus, or equipment for a development center. Any school district entering into a contract with the county superintendent to establish a development center for the handicapped will be considered as maintaining a development center.

The governing board will establish from the county treasury a fund known as the "development center for handicapped minors fund." All funds received by the district for the operation of the center will be paid into this fund. Maintenance and operating costs shall be paid from the fund. However, any contributions, other than those to the employee retirement system, are to be paid by the district from the general fund or from funds of the district derived from a special tax. No funds of a district derived from district taxes except the tax for the development centers, and no state funds other than those appropriated from the general fund for the support of the development centers may be expended in connection with such a center.

If, during any fiscal year, a development center received more or less than the amount to which the center was entitled, the superintendent during the next or any succeeding fiscal year will withhold from or add to the apportionment in the amount of the excess or deficiency.

The state department of education may accept funds from the U.S. government and apportion them to governing boards of districts to conduct development centers which are also authorized to accept such funds.

COLORADO

If no special program exists in the school district of residence, the parent or guardian of the child or the board of education of the school district may apply for enrollment of the child in a special program existing in another district. After determining the eligibility and capability of the child and the benefits to be received from such an enrollment and after approval of both boards of education, the child may then be enrolled in the program. Final approval of enrollment of any eligible handicapped child in a special education program is made by the board of education of the school district providing the program. A child may enroll for a trial period not exceeding nine months.

Two or more school districts may contract with each other to establish special education programs sharing the costs as specified in the contract.

COLORADO

If a district has fewer than six children needing a particular type of special education, the board may purchase services from another district.

Community incorporated boards may purchase services for the trainable mentally retarded and other seriously handicapped persons from public or private non-profit sheltered workshops, day care training centers, and other private facilities, and from universities, colleges, public schools, and preschool nurseries with approved programs.

When several districts combine to form a total pupil enrollment of several thousand or more, a director of special education may be employed. For large programs, a specialist in specific areas of handicap may be hired to supervise programs.

The division of special education services provides consultant services to districts wishing to set up a cooperative program.

For each child enrolled in a program other than in his district of residence the state board will reimburse the district of residence up to $800 for maintenance in a licensed foster home or, in lieu of maintenance, 50% of the cost of transporting the child.

CONNECTICUT

No town is required to provide school accommodations to any child whose legal residence is in another state, unless a bond in the sum of $500 is issued by a state-authorized surety company. The bond is based upon parental payment of the child's tuition at the rate of the per capita cost of education.

To meet its legal obligations to educate its exceptional children, any town or regional board of education may make arrangements with another such board to provide services. This may involve sending the child to a program in the other district, or other arrangements. Also, if the establishment of a special class in a local school district is not feasible for reasons of program quality and development, such districts are encouraged by this department to develop programs on a cooperative basis with other local boards of education.

The applicant town must agree to provide a special educational program for one or more types of exceptional children from at least one other town.

The applicant town must agree to provide the educational program on a long-term basis. A five-year period is the minimum. Applications must include a description of a cooperative operational plan for the use of the regional education facility.

The proposed program should promise to be stable, comprehensive and of excellent quality.

The applicant town must describe the anticipated nature and cost of construction and equipment.

CONNECTICUT

The proposal must guarantee the optimal participation of the exceptional children in all appropriate aspects of the general school program. The facilities for the exceptional children should be a part of a regular elementary or secondary school building. When it is appropriate, particularly in new school construction, classrooms for exceptional children should be integrated into the total physical plant. The Secretary of the state board of education may make an exception to these requirements if he is satisfied that some other arrangement would be more beneficial to the educational progress of the children in the program.

There must be provision of adequate pupil personnel and other ancillary services for exceptional children to be served.

Facilities must be used exclusively for those exceptional children the applicant town has agreed to serve unless all eligible children in the several towns have been enrolled in the regional program and there is space temporarily still available in the regional educational facility.

The proposal may represent an expansion of an existing special education program or the initiation of a new program.

Tuition payments received from other towns for special education must be subtracted from total special education costs in determining state reimbursement. Any school district which agrees to provide special education as part of a long-term regional plan approved by the state board of education, for children requiring special education who reside in other school districts is eligible to receive a grant in an amount equal to the net cost to such district of providing, constructing, or reconstructing and equipping appropriate facilities to be used exclusively for children requiring special education, provided such facilities must be approved by the state board of education and must be an adjunct to or connected with facilities for children in the regular school program, except when the state board of education determines that separate facilities would be of greater benefit to the children participating in the long-term special education program. Such grants shall be in addition to any grant received pursuant to other laws. Application for such grants under this section must be made to the state board of education at such time and in such manner as said board may prescribe. Said board may make such a grant in an amount equal to one hundred percent of the cost of the facilities less any other public or private grants for such purposes. Upon certification of completion of the building project by the secretary, the comptroller shall pay the sum granted to the town or regional school district in a lump sum.

Any local or regional board of education may apply. However, regardless of the number of towns involved, only the town where the regional facilities will be provided should apply to the state board of education. The applicant town should obtain firm commitments from its neighboring towns as to their willingness to participate in regional educational plans.

The state will pay the total cost of constructing and equipping such facilities to the town or regional school district in a lump sum at the completion of the project.

CONNECTICUT

The state board of education will consider the following criteria factors in its consideration of applications:

1. The probability of excellence of education programs for exceptional children.
2. The need for such a regional educational facility in the region itself and the relative need in one region of the state as compared to others.
3. The scope of the program: (a) number of local boards of education to be served, (b) types of exceptional children to be included and (c) overall number of exceptional children to be served. (On a state-wide basis, the state board of education will seek to support facilities for as many different types of exceptional children as possible.)
4. The effect of the proposed program on existing programs in the districts to be served or those now serving these districts.
5. The length of time the regional educational facility will be committed to the use of exceptional children.
6. The relative costs of proposals.

Interested boards of education should request an application from the bureau of pupil personnel and special educational services.

The state board of education will appoint a review committee to decide which towns will receive grants.

Payment to the applicant town will be made upon completion of construction or alteration and equipping the facility and after inspection by the appropriate staff of the State Department of Education. Final decisions as to the amount to be paid toward the cost of construction or alterations and equipping shall rest with the state board of education, which board shall also have the authority to determine the reimbursability of all items of equipment and to indicate the minimum physical requirements and the equipment required.

DELAWARE

In cases of shared services with other districts, a special application form must be processed to enable the child to attend a school outside his home district.

If a handicapped child attends a special education class operated by a district other than his district of residence or by the state department, the child's district of residence will pay a tuition charge to the other school district or the state department of public instruction. The funds for the tuition will be raised by a local tax levied for this special purpose.

The tuition charge will be determined by adding the current year's estimated expenses for salary supplements for the staff of the special classes based on a schedule not higher than the schedule in force in other schools in the district in which the special classes are located; and other expenses due to the operation of the special classes for which local funds are to be used in the currect school year. The total will then be divided by the number of children in special classes as of September 30 of the current school year.

FLORIDA

Florida's schools operate on a county system, and two or more counties may contract to provide special services.

GEORGIA

The state board of education is responsible for implementing statewide programs in the public schools for the education of exceptional children and other educational programs not ordinarily coming within public school curricula.

Priorities, criteria, and standards for implementing and operating state wide programs will be established by the state board. Prior to state implementation of programs, local systems should initiate such programs locally.

Committees for exceptional children may plan with other districts to provide joint services. Children may be sent to other districts for special services. If children attend special classes in another district, transportation is provided.

The state board may establish and maintain special courses, classes and/or schools for "the correction of speech by oral methods of those who are deaf, or who have defective hearing or speech, in cooperation with, or independently of, local units of administration, with the power and right to promulgate the rules, standards, and requirements for the said courses, classes and schools receiving state aid under the chapter. . . ."

The state board may send children, who are deaf and blind and for whom there are no facilities within the state, to schools, institutions, or otner places outside the state maintaining appropriate facilities. Room, board, tuition, transportation, and other necessary items may be provided.

State regulations suggest that cooperative programs should be established for all disabilities with an incidence of less than 1%. A detailed plan of operation must be submitted for approval by the division for exceptional children.

One school system in each cooperative program acts as the fiscal agent.

The state board of education may use state funds to pay for transporting handicapped children from one county school system to another. However, reimbursement may not be made to independent city school systems.

HAWAII

Hawaii has a completely state-operated school system.

IDAHO

The trustees of the school district may contract to educate an exceptional child by another school district or by any public or private rehabilitation center, hospital, or corporation approved by the state board.

When such students are transferred from the school district to the institution, corporation, or the district, the transferring district shall agree to pay to the institution, corporation, or district amounts as computed as follows for each student:

1. To another school district, the annual tuition rate of the receiving district as shown by the certificate last issued to the district under the provisions of Idaho code section 33-1405.

To the rehabilitation center, hospital, or corporation: the tuition rate of the sending district as computed above and the district's reimbursement under the handicapped child factor of the education foundation program. One district is designated as the educating district when public school districts contract for the education of exceptional children residing within several districts. When a student attends a rehabilitation center, hospital, or corporation, the home district of the child considers the child as a resident in average daily attendance.

ILLINOIS

Illinois law does not specify any particular administrative structure or size of pupil population base necessary for a comprehensive program of special education; however, it is the professional view of the department of special education, office of the superintendent of public instruction and the state advisory council on education of handicapped children that a pupil population base of less than 15,000 will not provide sufficient numbers of handicapped children to establish comprehensive programs.

Definition:

1. A special education district may be a local district of 15,000 or more school population containing at least one high school and its underlying elementary districts.
2. A special education district may be a combination of local districts with the above characteristics who by joint agreement provide for all or nearly all of the special education needs of the member districts.
3. A joint agreement may be two or more special education districts who jointly provide for one type of handicapped child where prevalence rates are too low to permit comprehensive services within any one special education district.

Two or more school boards may enter into joint agreements to provide "needed special educational facilities" and to employ a director and other professional workers "needed to provide programs for handicapped children." Provisions of the agreement shall include but not be limited to administration, staff, programs, financing, housing, transportation, an advisory body, and the withdrawal of districts from the joint agreement by submitting petitions to the county board of school trustees. This act also provides for the designation of an administrative district to act as the fiscal and legal agent for the districts in the agreement.

ILLINOIS

Professional workers may be employed by one of the districts in the agreement but will be reimbursed "on a mutually agreed basis by other districts that are parties to the joint agreement. Such agreements may provide that one district may supply professional workers for a joint program conducted in another district."

Each district within a special education district or joint agreement should contribute proportionate share of the housing.

School districts constructing buildings under joint agreement programs, who have a shortage of necessary funds for the payment of the district's share of the building project, may be granted $1,000 for each professional worker in the district. If after this the district is still short of funds, up to 50% of the reimbursements regularly made to the district for special education costs in one year may be put toward the completion of the project.

INDIANA

Two or more participating corporations may provide for a special education school (". . . a department, school or school corporation established, maintained, and supervised for the education of handicapped children in accordance with this section."), by adopting an agreement with the following provisions: (1) a plan for the organization, administration, and support of the school; (2) a date for the establishment of the school at the beginning of the school year, and (3) the extension of the special education school for a minimum period of five years, a provision that the school will extend from school year to school year unless canceled by the governing bodies of a majority of the participating school corporations at least one year prior to termination of the agreement.

The agreement is an identical resolution adopted by the governing bodies of all participating school corporations. During the term of the agreement, it may be modified by unanimous vote of all the participating school corporations.

The agreement may provide for the acquisition of sites, buildings, and equipment by purchase or by lease, from any of the participating school corporations for the term of the agreement or by lease.

The following resources are available to provide assistance in the development of a comprehensive plan to serve exceptional children:

a. The Office of the State Superintendent of Public Instruction, Division of Special Education.
b. Directors of joint service special education programs.
c. University special education staffs, particularly those offering special education administration training programs. Currently, Ball State, Indiana State and Indiana University have state-approved training programs for such personnel.

With the director of special education providing the leadership, (as determined by mutual agreement of the participating school corporations), the role and function of the administering school corporation involves serving as administrative agent for all schools participating in the joint service project. Such responsibilities are identical to those services that the administering school corporation provides in its own corporate boundaries. However, as a servicing agent within the joint schools service project, the administering school

is responsible to all other participating schools. The role of the administering school corporation consists of providing the following services:

a) budgeting and accounting
b) purchasing
c) reporting
d) general supervision
e) interviewing and selecting personnel
f) assuming contractual obligations, including tenure rights
g) fulfilling moral, ethical, and administrative responsibilities to all participating schools
h) placing teachers and pupils in appropriate class situations and locations
i) distributing state reimbursement to the participating schools

If township schools are involved in a cooperative, the office of the county superintendent must be the administering agent since according to existing law, township schools may not participate in a joint school program administered by a school corporation.

The joint program agreement must be in writing and approved by each of the participating school corporation school boards. Proposed amendments must be approved by each of the participating school corporations.

The joint agreement lists the names and addresses of each school corporation.

The agreement describes the method of organizing, administration, support and funding.

The agreement specifies the conditions under which a corporation may withdraw or enter into the program and the conditions under which other corporations may be added.

The financial plan generally covers such items as:

1. The corporation designated as the administering school corporation.
2. How each corporation's proportionate share of costs for said program will be determined.
3. When and how the administering school corporation will receive from each participating school corporation its proportionate share of the cost of the program.
4. How and when state reimbursement will be distributed to the participating schools.
5. How personnel will be employed and how purchases will be made.

The joint agreement describes the administrative plan and role of the advisory committee which is composed of at least one representative from each participating school corporation's governing boards.

The agreement must be signed by the president of the board of each of the participating school corporations.

INDIANA

The advisory committee is comprised of at least one representative appointed by the governing board of each participating school corporation and the director of special education, if and when employed, (who will usually serve as executive secretary). Representatives are appointed by their respective governing boards. The superintendent is usually appointed by the governing board to serve as the corporation's representative on said advisory committee.

The role of the advisory committee is to establish policy in broad areas relating to the joint service program, within responsibility areas as delegated by the participating Governing Boards, and to keep their respective school boards informed of on-going joint service programs. All major planning, such as yearly plans for program expansion, is approved by the advisory committee prior to approval by the school boards of each of the participating corporations. Following the employment of a director, the advisory committee will offer their co-operation and assistance to said director. The development of major program policies, which influence the direction, growth, and development of the joint service program will be presented to the advisory committee for approval, prior to implementation.

The number of meetings the advisory committee schedules per year will vary, depending upon existing need. However, four meetings per school year is considered a minimal number necessary to conduct routine responsibilities. Special meetings may be called to handle crucial situations. It is recommended that the representative of the administering school corporation chair this meeting. The chairman and/or director of special education should have the authority to call a meeting of the committee at any time, providing a notice of the proposed meeting is delivered to the members sufficiently in advance.

The director of a cooperative is responsible to the superintendent of the administering school corporation and the advisory committee. If a decision must be made which affects all school corporations involved in the joint service program, the issue should be presented to the advisory committee for consideration. However, in the final analysis, there must be someone who will ultimately take final administrative responsibility for the program, and in a joint cooperative in special education, this person is the superintendent of the administering school corporation. When confronted with an issue or consideration that will affect only one specific school corporation in the cooperative, the director of special education should confer directly with the superintendent of the school corporations that are affected.

In determining the need for employing a supervisor/consultant consideration should be given to: (1) the number of teachers and therapists serving the program and (2) the amount of administrative responsibility delegated to the director affecting his adequate function as a supervisor. A supervisor/consultant may be employed on a part-time basis and could be a teacher who has been given released time for this purpose.

Eligibility requirements, in addition to state rules and regulations, can be developed at the discretion of the director and advisory committee serving the specific cooperative program in question.

INDIANA

If a child, residing in a school district and attending a class or school in another school corporation because of his handicap or multiple handicaps, his district of residence grants the proper transfer certificate to provide necessary transportation, according to rules of the commission on general education. The child's district of residence also pays the per capita cost of educating the child to the other school corporation.

If the school corporation is involved in the joint school service and supply program, tuition and transportation payments will adhere to the written agreement of the participating school corporations. If the transfer certificate is issued and payment is made on a per capita cost basis, the per capita cost is computed in the following manner: the cost of maintaining any special education facility for the current school year is first determined and includes the following expenses applicable only to this educational facility:

1. Salaries of teachers, professional workers, necessary non-certified workers, clerks, librarians, custodial employees, readers, and any district taxes specifically for pension and retirement benefits;
2. Educational supplies and equipment, including textbooks. If any equipment has useful life in excess of three years, its purchase price will be amortized in calculating cost over its useful life or for a period of five years, whichever is less;
3. Operation of the physical plant, including heat, light, water, repairs, and maintenance;
4. Administrative cost and communication;
5. Auxiliary services including health services, rental of buildings and equipment, and food services, but not including transportation, and
6. Capital outlay expenditures including the cost of construction, remodeling, payments for both interest and principal. Bonded indebtedness during the prior school year, in addition to an amount equal to five percent of the fair evaluation of the existing plant, shall be included in the computation of the per capita cost.

The total cost thus determined will be deducted from the state reimbursement due, not including any state reimbursement for transportation. The net cost will be divided by the average number of pupils in average daily attendance in special education facilities for the school year in order to arrive at the net per capita tuition cost.

A joint cooperative can be financed utilizing any one, or combination of elements of the following methods:

A. Each school corporation can support the program in proportion to its total school enrollment. For example, if the school corporation has ten percent of the total school enrollment or average daily attendance of those school corporations involved in the cooperative, costs to that particular corporation would be equal to ten percent of the total cost of the joint service special education program.

B. Each school corporation can be assessed according to the total number of pupils they have participating in the cooperative's special classes and programs. This method is sometimes considered less desirable because of children transferring in and out of the program, thus record keeping and resultant pro-rating of the cost of the program becomes especially difficult.

INDIANA

C. A cooperative could be financed by utilizing a combination of the two methods outlined above. As an example, for administrative costs (director, secretary, administrative overhead), each participating school corporation can be assessed an amount equal to the percentage of the total school enrollment as outlined in 'A' above, and a specified number of, or all, special classes or services could be financed on the basis of the number of children enrolled in the classes as outlined in 'B' above.

The state board of accounts requires that the administering school corporation maintain a separate ledger for any joint service program.

It is possible for ESEA, Title I, III, and VI funds to be used to initiate, expand, and improve special education programs. However, it is imperative that local school corporations project their planning, during the funding period for Title money, so that desired programs and services initiated under said Titles can be absorbed through local and state support when and if Title funds are withdrawn. In addition, it is not desirable that the program be totally supported with state or federal monies. It is felt that this could create a lack of stability in the development of a quality program and those staff members working in such a joint service program would view their positions as short-term, as opposed to a stable and intergal part of the total local educational program.

The administering school district files for state reimbursement of joint special services school programs and distributes state reimbursement to the participating school corporations. If there are existing special education programs within the boundaries of joint school service programs that are not part of the cooperative, the state reimbursement forms can be filled out either by the director of special education or by the administrators of the various participating school corporations. In most cases, it will be most satisfactory if the state reports are filled out by the director of special education.

IOWA

County boards of education in two or more adjacent counties may merge, with the approval of their respective boards of directors, the county school systems into one school system. The merger must be approved by the state board of public instruction before becoming effective. The notice of the merger must be published at least 20 days prior to the effective date. The following provisions apply to merged systems:

1. The merged school system must be known as the joint county system.
2. The merged system must have one tax base made up of the combined tax bases of the respective county school systems.
3. The merged system becomes effective on the July 1 following the approval of the merger.
4. The territory of the joint county system is divided into six election areas by the affected county boards. If there are changes in the area of the system, the joint board of education will make the necessary adjustments to equalize territory and population size of the election areas. No change will be made less than 60 days prior to the dates of the annual school election.

IOWA

5. There will be a joint board of education consisting of seven members, one elected from each of the respective election areas.
6. Joint boards or county boards, subject to the approval of the state board, may provide courses and services for physically, mentally, and educationally handicapped students; provide special and remedial courses and services, educational television, vocational rehabilitation training centers and workshops, and may lease, acquire, maintain, and operate necessary facilities and buildings.
7. Joint boards or county boards are authorized to apply for and accept available state and federal funds.
8. Joint boards exercise all the powers and duties imposed on county boards by statute.

Children may be instructed in a nearby school district in which special classes have been established by mutual agreement of the board of directors of the affected school districts and by payment of tuition, or the county board of education may establish special classes in cooperation with local boards.

KANSAS

If there are not enough children of any one special type in the school district to establish a special class, the children may be instructed in any nearby school district in which classes have been established by agreement of the governing bodies of the school districts and payment of tuition.

School districts may enter into agreements with one or more other school districts for joint or cooperative programs for exceptional children and shall do so when suitable arrangements can be made offering programs which make available the facilities and personnel to be used for optimum public benefit.

Governing bodies of school districts may provide special education programs for developmentally disabled children through cooperative agreement, if such agreements are approved.

Whenever exceptional children are given special instruction, the governing body of the district of residence of the children may pay the tuition at approved rates and cost of transporting the children to and from school, or in lieu of paying the cost of transportation may pay the cost of room and board. This does not prevent a district providing special education classes from furnishing transportation in its own school bus to such children without cost to the school district in which the children reside. Expenses incurred for transportation may be paid by the school district from its general fund. A district incurring transportation expenses at the approval of the division is entitled to reimbursement for one-half of the actual expenses up to a maximum reimbursement for transportation and maintenance of $250 per child.

Boards of education and governing bodies of two or more school districts who enter into agreements to provide for cooperative programs may do so on a shared cost basis. The agreement may also provide for the establishment of an expenditure from a separate fund. All districts will remit their contract obligations to the fund.

KENTUCKY

If an insufficient number of exceptional children of one classification live within a district or if a school district does not provide a special education program, the board must contract with another county or district maintaining an approved special program for that type of child.

If a district undertakes to provide special education services in its classes for non-resident students, the district of residence will share the total cost of special education programs in proportion to the number of pupils or in accordance with contract agreements between the two districts. The district of the child's residence will pay for transportation, not exceeding $300, to the class in another school district, unless the board of the other district provides transportation to the class. In this case the cost of transportation will be included in the total cost of the special education facility.

LOUISIANA

Tuition contracting between adjacent or nearby parish or city school boards to provide special education or training.

The parish or city school board sending children to another district is authorized to pay tuition or training costs not to exceed its own average gross cost per educable child, plus the prorata part of its state allotment for serving exceptional children.

MAINE

If no programs are available in the district of residence, a child may receive services in another administrative unit on a tuition basis.

If a handicapped or exceptional child is enrolled in a district other than his district of residence or in a private school, the sending unit will pay the actual per pupil cost incurred in the operation of the program for handicapped or exceptional children during the preceding school year. The per pupil tuition charge will be computed on the basis of financial reports filed by the administrative unit or the private school. The financial reports must be filed by July 1 of each year on forms provided by the state board of education. The allowable tuition charge cannot exceed the per pupil operating cost determined by the state board from the financial report of the preceding year.

Any administrative unit operating a class or school for the handicapped or exceptional children may compute its annual tuition rate in the following manner:

Increase the salary paid special education teachers by 35 percent to compensate for costs not included in salaries. Divide the resulting amount by the average daily membership of students in special education classes for the same fiscal year. The per pupil cost thus determined will become the legal tuition charge for the following year.

For each child from the district attending the Governor Baxter State School for the Deaf, local administrative units must contribute an amount equal to the per capita cost of instruction and equipment in a public elementary school for a normal child.

MAINE

Expenditures made for the handicapped in excess of expenses for regular school children will be reimbursed in accordance with Table 1. The commissioner will establish the applicable percentage for each eligible unit for per pupil valuation on January 1 of the year the legislature convenes in regular session. The percentage determined will be applicable for the next two fiscal years: "Table 1--The percentage of state aid to each municipality shall be determined by dividing the median state per pupil valuation by the state per pupil valuation of the municipality and multiplying the result by 75 percent. No administrative unit may qualify for more than 97 percent not less than 13 percent."

Each administrative unit is reimbursed a percentage of its actual expenditures.

MASSACHUSETTS

[The department of education shall in any town, city or regional district where a deaf child resides, in cooperation with the local school committee, establish day class programs for deaf children in the public schools. If there are less than five children residing in any city, town, or regional school district, the department may provide for the establishment of cooperative programs with adjacent towns, cities, or regional districts. All programs will be coordinated on a regional, statewide basis according to the regulations of the department including matters pertaining to establishment of classes, curriculum, and conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and requirements respecting all services. Cost of the programs including transportation will be paid by the state from the local aid fund subject to appropriation.]

[In any city, town, or regional district with children with impaired hearing, the department (in cooperation with school committees) shall establish day classes or resource teacher programs. If there are less than five children with impaired hearing in a district, provision may be made by the school committee with the state department of education for an approval of placement in a cooperative program with adjacent cities and other regional school districts. The cost of the programs including transportation is paid by the state from the local aid fund.]

[Any town, city, or regional school districts with the approval of the appropriate department may joint with another town, city or regional district to provide for special instruction for mentally retarded, physically handicapped, speech handicapped, blind, visually handicapped, emotionally disturbed children, and children with learning impairments.]

To provide special education for all children needing it, the school committee of any city, town, or school district may enter into an agreement with any other school committee to jointly provide special education or, subject to the consent of the parent or guardian any constitutional limitations, may enter into agreement with a public or private school, agency, or institution to provide the necessary services within the city, town, or school district.

MASSACHUSETTS

When school committees jointly provide special education, an agreement will designate one city, town, or school district as the operating agency. The funds received by the operating agency from other cities, towns, or school districts or appropriated by the agency to fulfill the obligations of the agreement in addition to any gifts or grants will be deposited with and held as a separate account by the agency's treasurer. The school committee may apply these funds to the cost of programs operated under this agreement without any further appropriations. *

Because professional services and resources must be available to cities, towns, and regional districts on a regional basis, if this program is to be successfully implemented within a reasonable time period, this act strengthens and regionalizes the division of special education in the department of education and provides for meaningful cooperation among agencies concerned with children with special needs. *

[ ] - repealed effective 9/1/74
* - effective 9/1/74

MICHIGAN

Beginning with the 1973-74 school year and continuing thereafter, the state board must:

1. develop, establish, and continually evaluate and modify in cooperation with intermediate school districts a state plan for special education providing for the delivery of programs and services to develop the maximum potential of handicapped persons and coordinating all programs and services;
2. require intermediate districts to submit plans according to subdivision (a) of section 298c and approve these plans;
3. establish rules for the requirements of the plans and procedures for submitting them;
4. have submitted a preliminary plan to the legislature by July 1, 1972; and
5. submit the final plan to the legislature by March 1, 1973. The final plan shall include recommendations for funding of special education programs and services.

Intermediate boards may and for the 1973-74 school year and thereafter must:

1. develop, establish, and continually evaluate and modify in cooperation with its constituent school districts, a special education plan providing for delivery of special education programs and services to develop to the maximum potential all handicapped persons included in number six. The plans must coordinate all special education services and programs operated or contracted for by constituent districts and will be submitted to the state board for approval by November 1, 1972;
2. contract for the delivery of services or programs according to the intermediate plan. The intermediate district under contract may operate a special education program or service, furnish transportation and room and board.
3. employ or otherwise engage special education personnel in accordance with the district's plan and appoint a special education director meeting state board qualifications and requirements;
4. accept and use available private and governmental funds and contributions to provide appropriate special education programs and services;

5. lease, purchase, or otherwise acquire, vehicles, sites, buildings, or portions of them, and equip them as necessary for its staff, programs, and services;

6. maintain a record of all handicapped persons up to age 25 who have not completed a normal course of study and graduated from high school and who are residents of one of the constituent districts and the special education programs and services in which the person is participating, if any, as of the fourth Friday following Labor Day and the Friday before Memorial Day. The only basis on which the district of residence is determined will be decided by state board regulations.

7. Have the right to place in an appropriate education program any handicapped person for whom a constituent district is required to provide special education programs or services under section 771a.;

8. investigate special education programs and services conducted by or contracted for by the board or its constituent districts and report in writing to the local district and state board any matters it deems in noncompliance with any contract, statute, or rule governing the special education programs, or services or the intermediate district's plan;

9. operate, or contract for the programs and services as if a local district. The contract providing for the items must have state board approval. Transportation and room and board, or both, must be provided by the intermediate boards for persons participating in programs or services conducted as if a local district.

10. Receive a report from any parent or guardian or with the parent's or guardian's consent receive the report of a licensed physician, registered nurse, social worker, school or other appropriate professional personnel whose training and relationship to handicapped persons provides competence to judge handicapped persons and in good faith believes that a person under 25 examined by him is or may be handicapped. The board will then immediately evaluate the persons so reported in accordance with state board rules. No one making or filing such a report or seeking an evaluation will be liable to suit unless lack of good faith is proven; and

11. evaluate pupils.

Intermediate school districts possess all the rights of the county districts they succeeded. When constituent districts reorganize into a single district, the reorganized district is a constituent to the intermediate district designated by the board of the reorganized districts. If a decision is not made within 30 days after the effective date of the reorganization the state board shall make the determination. By resolution of its board any constituent district may become constituent to another intermediate district to which it is contiguous if the board of each affected intermediate district approves. If the intermediate district to which annexation is proposed has adopted this chapter's special education provisions or has bonded indebtedness outstanding for special education building facilities for the trainable mentally retarded, registered electors of the district to be annexed must vote to accept these provisions and to assume a prorata share of any bonded indebtedness outstanding for facilities for the trainable mentally retarded. An annexation becomes effective only if the applicable issues relating to special education programs, vocation-technical programs, and bonded indebtedness are approved at the same district election.

MICHIGAN

If a school district constituent to an intermediate district with a bonded indebtedness for special education facilities or vocational technical education programs is transferred to another intermediate unit, the territory of the annexed district remains as part of the intermediate district from which it transferred for levying debt retirement taxes for the bonded indebtedness until the bonds are redeemed or sufficient funds are available in debt retirement funds for that purpose. For all other purposes, the annexed district is a constituent of the intermediate district to which it was annexed.

The board of an intermediate district which has adopted the provisions of 307a to 324a and has constituent district(s) which have not yet elected to come under section 329 shall submit by the 1973-74 school year the question of adopting sections307a and 324a. The election is called and held in the same manner provided in sections 308b and 308c for the original election adopting these sections. The ballot shall be in the form described in section 316a.

Local district contracts providing for services or programs must specifically provide for:

1. necessary special education buildings, equipment, and personnel to operate the program or service;
2. transportation or room and board, or both;
3. contribution of the sending district in accordance with state board rules. This section should be interpreted to allow for program operation by state departments without local contribution; and
4. any other matters deemed appropriate by contracting parties.

All programs and services operated or contracted for by local districts must be in accordance with the intermediate district's plan.

Additional services not included or required by the plan may be provided by local districts.

Intermediate school districts may operate programs for the trainable mentally handicapped.

Boards operating or contracting for programs or services are entitled to carry children in membership in the same manner as local districts and shall receive their proportionate share of available state funds. State board rules shall govern the calculation of "membership."

MINNESOTA

The parent or guardian of a handicapped child residing in a district not providing special instruction and services within its district may apply to the commissioner for services for his child under one of the methods provided. If the commissioner finds that the local district is not providing the services, he will arrange for the special instruction needed. If the services are provided outside the district of residence, transportation or board and lodging and tuition will be paid by the district of residence.

MINNESOTA

Two or more of the independent school districts numbered 621 through 624 in Ramsey County and independent school districts 832 and 834 of Washington County are authorized to enter into an agreement to establish a special intermediate school district with a majority vote of the full membership of the board of each of the concerned districts. When the resolution is adopted by the board of one of the districts, it must be published at once in a general circulation newspaper in the district. If a petition for referendum on the question of the district entering into the agreement is filed with the clerk of the board within 60 days after publication of the resolution, and signed by 5% of the qualified voters of the district, no board is able to decide the question of whether the district shall enter into an agreement until the agreement has been submitted to the voters at a special election. If a majority of votes cast on the question within the district is in favor of the question, the board may then proceed to enter into an agreement to establish the special intermediate school district. The school district will be known as the Northeastern Metropolitan Intermediate School District, State of Minnesota. The commissioner is responsible for assigning an appropriate identification number.

The intermediate district will be responsible for furnishing to all eligible persons residing in any part of the district instruction in vocational technical education and special education. The intermediate school board in order to pay for any administrative, planning, operating, or capital expenses is certified by the county auditor of each county as a single taxing district with the ability to levy an annual tax.

The tuition rate will be the actual costs of providing special services to the handicapped children, including a proportionate amount of capital outlay and debt service minus the amount of special aid for handicapped children received on behalf of that child. If the boards involved cannot agree upon a tuition rate, a board might apply to the commissioner to fix the rate. The commissioner will then set aside a date for a hearing giving each board at least 10 days' notice. After the hearing the commissioner will make his orders fixing the tuition rate which will be binding on both school districts.

Responsibility for special instruction and services for handicapped children temporarily placed in a district other than his district of residence will be determined in the following manner: 1) the school district of residence of the child will be the district in which his parent resides, if living, or his guardian, or the district designated by the commissioner of education, if neither the parent or guardian is living within the state; or 2) the district providing the instructional program will bill the district of the child's residence for the actual cost of providing the program as outlined above, except that the board, lodging, and treatment cost incurred on behalf of the handicapped child placed outside of his school district of residence by the commissioner of public welfare, the commissioner of corrections, or their agents for reasons other than the provision of special education needs do not become the responsibility of either the district providing the instruction or the district of the child's residence. The district of residence will pay the tuition and other program costs to the district providing the instruction, and the district of residence may claim foundation aid for the child. Special transportation costs will be paid by the district of residence. The district of residence is eligible for state transportation reimbursement.

MINNESOTA

Responsibility for special instruction and services for handicapped children placed in a state institution on a temporary basis will be determined in the following manner: 1) when the educational needs of the child can be met through the institutional program, the cost for such instruction shall be paid by the department to which the institution is assigned; 2) when it is determined that the child can benefit from public school enrollment, provision for instruction will be made in the following manner: (a) the commissioner of education and the commissioner of the department responsible for the institution will jointly determine the child's eligibility for special instruction and services; (b the school district where the institution is located shall provide an appropriate educational program for the child and will make a tuition charge to the district of residence for the actual cost of providing the program, and 3) the district of the child's residence will pay the tuition and other program costs and may claim foundation aid for the child. The legal residence of the handicapped child for whom parental rights have been terminated by court order and who has been placed in a foster facility will be the school district in which he has been placed. The school board of the district of residence will provide the same educational program for the child as it provides for all resident handicapped children in the district.

Any school district, or unorganized territory or combinations thereof, may enter into an agreement to provide special instruction and services to handicapped children. One of the participating units may employ and contract with necessary personnel to offer services in the several districts or territories, and each participating unit will reimburse the employing unit a proportionate amount of the actual costs of providing the special instruction and services, less the amount of state reimbursement which will be claimed in full by the employing district.

MISSISSIPPI

Two or more school districts may join together by contract to establish a special class or classes.

MISSOURI

Districts may contract with nearby districts for special education services for one or more children.

Voters in all counties may organize and create a special school district to educate and train physically and mentally handicapped children and provide vocational education for the county. If two or more counties are included in the district, services will be provided to children in all such counties. If a special district is organized, it is a political subdivision of the state and may be know as "the Special District for the Education and Training of Handicapped Children of _____ County (or counties), Missouri," or any other name selected by the board. The district has the ability to sue and be sued and possesses the same corporate powers as six-director school districts, other than urban districts. Constitutional provisions and laws applicable to the organization and government of six-director school districts, other than urban school districts, are applicable to county special

districts. The boundaries of the special school districts coincide with the boundaries of the county. The special school district, which can exist in addition to any other school district within the county, may provide free instruction, classes, and schools for resident children under age 21 "who are physically or mentally handicapped, including the blind or partially seeing, the deaf or hard of hearing, the crippled, and the mentally retarded or mentally deficient, who are capable of instruction or training and for other categories of physically or mentally handicapped children which are hereafter approved for special instruction by the state commissioner of education, including hyperkinetic children; those of the type having a malfunction in the area of behavior and learning where the brain does not function correctly because of immaturity on a genetic or metabolic basis and children having a word blindness, seizures and aphasic."

The board of education of a special school district may establish schools or classes within the schools of any district within the county for any of the children designated above. Classes are established in classrooms furnished by the school districts when requested by the board of directors of any of the individual school districts and when there are a sufficient number of children available. All construction costs are paid by the special school district. Children attending the schools and classes of the special district are included in the attendance records of the district for state aid purposes. The special school district is entiteld to the same reimbursements as six-director school districts, although the tax levies of special districts are less.

Transportation may be provided by the special school district to all handicapped children receiving special education services.

The special school district may contract with any other school district in the county to establish a special class in a school of that district in order to integrate children into regular classes on a part time basis. The special school district will pay a tuition rate based on the percentage of time the child is in the regular class.

The special school district has the power to levy and collect taxes within the limits of the state constitution and to issue bonds.

MONTANA

Two or more districts may combine to provide educational services to handicapped children. Also the board of trustees in a local district may arrange to use the services of any approved mentally retarded or physically handicapped children's classes and may provide transportation to and from school for all handicapped enrolled in a state approved special education program.

If a child who is mentally retarded, physically handicapped, or both is enrolled in a state approved program maintained by an elementary or high school district other than his district of residence, he will be included in the computation of ANB in the district maintaining the program. The child's district of residence will pay to the district twice the tuition for regular education students.

NEBRASKA

Within the state, the county board may appropriate by a majority vote, from the county general fund to the office of the county school superintendent monies to establish a revolving fund to set up a program of special education for educable handicapped children in the county. This fund will be reimbursed from the local school districts in the county by those desiring to participate in the program. Participation is on the basis of a contract between the school district and the county superintendent including the liability of the district and the time and manner of paying the same. The county superintendent may incur no liability against county funds nor expend any of the same unless proper reimbursement is insured on the basis of written contracts with the participating school districts.

The board of each educational service unit in cooperation with local boards of education is responsible for providing within each geographical area, supplementary services such as guidance and counseling, remedial instruction, special education, and instructional materials services. The boards are also responsible for planning and coordinating services within their own geographical area whenever services are offered on a cooperative basis between local school districts and for contracting for educational services with the board of any other educational service unit, any other educational agency, or with any other appropriate state or federal agency or office.

School districts not part of an educational service unit may contract for services for trainable mentally retarded children with the educational service unit of which they would be a part if the county in which they are located had not been excluded pursuant to law.

Districts not providing programs may contract with any other district or educational service unit for the provision of services to trainable mentally retarded.

The county superintendent of schools may use high school tuition money to provide educational opportunities for handicapped students residing in districts not maintaining a high school.

The board of regents of the University of Nebraska may cooperate with public or private agencies engaged in the care and rehabilitation of any handicapped children to make available an interchange of facilities and treatment services under terms agreed upon by the board of regents of their several agencies, desiring the use of any such land.

NEVADA

It is not anticipated that local school districts would enter into cooperative agreements due to the geographical spread and marked population differences. If they choose to do so, however, they must meet all regular state special education standards.

NEW HAMPSHIRE

If a school district does not establish approved classes or programs for handicapped children, it shall pay tuition for an approved program or class maintained by another district or by a private organization.

NEW HAMPSHIRE

If a handicapped child attends any public or private school or program inside or outside the state which offers approved instruction, the school district of residence may pay a portion of the cost in the manner and up to the amounts provided by law. The state board of education may assign pupils to approved schools for handicapped children. School districts may pay a higher rate of tuition than the specified amounts if, in the judgment of the school board, the circumstances warrant.

NEW JERSEY

If the survey of handicapped children in any county shows that the establishment of a department of child study is warranted, the commissioner, with the approval of the state board, may establish such a department to perform the special education functions at the county level. For each county department of child study, they will appoint a supervisor whose duties include coordinating all special education services in the county and any additional personnel constituting a child study team necessary to perform services for handicapped children. In addition to the supervisor of the child study team, members must include personnel qualified to administer, supervise, or otherwise perform special education services. The county superintendent or the county superintendents of the county or counties served by a child study team, with the approval of the commissioner, will designate a member of the child study team to serve as chairman. If they cannot agree upon a chairman, the commissioner will designate him.

In cooperation with local boards of education, child study teams will perform the following duties: 1) identifying and diagnosing children needing special education; 2) developing and approving public school programs for such children; 3) supervising and coordinating the public school programs for handicapped; 4) reporting and referring children with handicaps whose severity necessitates residential placement, medical or psychological treatment, or care to the appropriate agencies; 5) social case work and psychological evaluation; 6) remedial instruction; 7) cooperative action with other state or county departments and lay professional organizations; and 8) any additional responsibilities determined by the commissioner.

The commissioner may require a board of education having appropriate facilities to provide services to children from other districts.

If a board of education enters its pupils i[illegible]pecial education services in another district, it may not withdraw the pupils for the purpose of entering them in another district, unless "good and sufficient reason exists for such a change and unless an application therefore is made and approved by the commissioner." If either the receiving or sending board of education is dissatisfied with the determination of the commissioner on any application, the matter may be appealed to the state board, and at its discretion, that body may affirm, reverse, or modify the commissioner's decision.

Any two or more districts may provide facilities, examinations, or transportation under the terms of the agreement adopted in resolutions by all involved boards of education setting forth the essential information concerning the facilities, examinations, or transportation to be provided. Cost will be apportioned among the districts. All agreements must be approved by the commissioner.

NEW JERSEY

If two or more of the boards of education decide to jointly carry out their special education responsibilities, the boards may, in accordance with the rules and regulations of the state board and with the approval of the commissioner, adopt joint resolutions to establish a jointure commission to provide these services. The commission, in accordance with the rules of the state board, is composed of representatives of respective boards of education.

The jointure commission has the authority to:

1. provide and maintain necessary facilities by acquiring land, buildings, and furnishing or renting;
2. take any necessary action to conduct proper educational programs for children referred to the commission by boards of education or members of the commission;
3. employ necessary principals, teachers, and other officers or employees who have the same rights and privileges as those similarly employed by local boards of education;
4. accept pupils from other school districts and fix the tuition rate; and
5. apportion among the districts the amounts of capital and per capita operating costs in the programs.

Within the limited responsibilities of providing services to handicapped children, the commission has and may exercise all powers of a board of education.

Contracting boards of a jointure commission shall: 1) raise the amounts apportioned by the commission in the same manner as other school funds for capital and current expenses are raised; 2) pay the commission their apportioned amounts; 3) be responsible for classifying children with the districts and referring them to the commission, and 4) provide transportation for children to and from schools referred to the commission.

Contracting districts may withdraw from the commission in accordance with the state board rules and regulations, and additional districts may become contracting districts.

A county board of freeholders may establish a county special services school district for the education and treatment of handicapped children upon finding that the needs exist for such a district. Before making any finding, the board must hold at least one public hearing with at least 10 days' notice of time and place in a newspaper of general circulation within the county. The state board is responsible for prescribing the rules and regulations to organize, manage, and control the special service school.

The course of study in the special services schools must be approved by the commissioner and the state board. As a first priority, programs should be established that are not available in any other school in the county, especially for those with unusually severe disabilities or unusual multi-disabilities. Then courses of study should be established which may be available but for which there is not sufficient capacity to accommodate all the students identified and classified as requiring these courses. The school year for these districts begins on July 1 and ends on June 30.

Each county special services district has a board of education consisting of a superintendent of schools ex officio and six persons appointed by the director of the chosen board of freeholders. In any county having a county mental health board, the chairman of the board

also serves as an ex officio member, but he is not entitled to vote on any matter before the board. All members of the board shall have shown an interest in children with an unusual disability or in the field of mental health.

Any board of education, jointure commission, state operated facility or private school, which receives pupils from another district, will determine tuition rates to be paid by the sending board of education. In no case will the tuition rate in a non-public school exceed the maximum day class per pupil cost of education in similar education classes in public schools as determined by the formula prescribed by the state commissioner.

If a tuition rate not exceeding 50 percent of the cost for such education is paid by sending districts, the board of education of the county special services school may receive pupils from other counties as far as their facilities may permit. Any schools established under this act must accept all eligible pupils within the county if the facilities are available. Payments will be made quarterly to the receiving districts by each sending district. The rate of annual tuition cannot exceed 50 percent of the prorata annual cost of operating and maintaining the county special services school district after deducting from such costs all amounts of aid received by this district from the county, state or federal government, but excluding any cost from the cost of required payments of interest or principal on bonds or notes of the county issued for purpose of the district.

The aggregate amount of all these payments and tuitions may be anticipated by the board of education of the county special services school district and by the board of chosen freeholders of the county with respect to the annual budget. Amounts of all annual tuition payments paid by any school district will be raised each year in the annual budget of the other school districts paid to the county special services school districts. The board of education in any county special services district, with the approval of the chosen freeholders, will provide for the establishment, maintenance, and operation of dormitory or other boarding care facilities for pupils attending one or more of its schools. The board will provide for establishment of health care services and facilities.

By February 1, annually, the board of education of county services to school districts will deliver to each member of the board of school estimates an itemized statement as to the amount of money estimated to be necessary for care and expenses and for repairing and furnishing schools or buildings. Between February 1 and February 15, the board will fix and determine, by official action taken at a public meeting, the amount of money necessary for the use of the district. The amounts of money needed by the district will be appropriated and collected by the board of chosen freeholders in the same manner as money appropriated for other purposes in the county. If the board of education of the special services district finds it necessary to raise money to purchase land or buildings for school purposes or for erecting, enlarging, improving, repairing, or furnishing buildings for the use of the district, the board will prepare and deliver to each member of the board of school estimate, statements of the amount of money estimated to be necessary for these purposes. Money needed for these purposes may be obtained in the same manner as the county raises money for these purposes including issuance of bonds or notes of the county pursuant to the local bond law.

NEW JERSEY

Proceeds of the sale of any of these obligations will be paid to the treasurer of the county special services district. If for any reason the proceeds are not applied to necessary special education purposes, the board of education of the county special services district may transfer the remaining balance to the capital outlay in the county school district.

All teachers, principals, and other employees of the board of education of the county special services district possess all the rights and privileges of teachers, principals, or employees of other boards of education of the other school districts. Whenever a county special services school district is established, the treasurer of the school district will be paid by the commissioner an amount equal to that raised in the county for establishing the school district, exclusive of the amount appropriated for purchasing land or erecting buildings. The state will annually then appropriate an amount equal to the amount appropriated by the county for the operation of the district.

Boards of education of special services school districts shall appoint an advisory committee of at least 10 members, consisting of representatives of recognized organizations, working exclusively with children classified as having unusual disability and, in any county with the department of child study, the county child study supervisor. The committee must meet at least four times a year to consider or refer to the board and make any recommendations to it.

NEW MEXICO

With the approval of the state superintendent, a school district may contract with another school district to educate or train handicapped children. The agreement will provide for the payment of the special education facilities or services provided.

NEW YORK

At the request of component school districts, and with the approval of the commissioner of education, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, vocation subjects, guidance counselors, operation of special classes for handicapped children, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner of edu-

cation may approve. Requests for such services shall be filed by component school districts with the board of cooperative educational services not later than the first day of February of each year. The board of cooperative educational services must submit its program to the department for approval not later than the fifteenth day of February of each year. Such board shall, through its executive officer, notify each component school district on or before the fifteenth day of March concerning the services which have been approved by the commissioner to be made available for the ensuing school year. Each component school district must on or before the first day of April following such notification notify the board of cooperative educational services of its intention to participate or not to participate in such shared services and the specific services which such district elects to utilize. Notwithstanding the provisions of paragraph b of this subdivision any component school district which does not elect to participate in any such specific cooperative services authorized under this paragraph shall not be required to pay any share of the monies provided in the budget as salaries of teachers employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained.

A board of cooperative educational services may allocate the cost of such services to component school districts in accordance with terms agreed upon between such board and boards of education and trustees of local school districts.

NORTH CAROLINA

The state superintendent may appoint such personnel as may be needed to arrange where necessary for a handicapped child or adult person to attend school in an administrative unit or district other than the one in which he resides and to cooperate with the state department of public welfare, the state board of health, the state schools for the blind and deaf, the state sanatoria, the children's hospitals, or other agencies concerned with the welfare and health of handicapped persons.

If the number of eligible exceptional children in an administrative unit is not sufficient to justify a special program local boards in adjacent districts may by written agreement recorded in their minutes, jointly operate a program. Such written agreement must indicate the unit having adminstrative responsibility for the program, and to which funding shall be made by the state board.

NORTH DAKOTA

The county superintendent of schools must appoint a county board of special education, consisting of three to five members at large. Each member must be approved by the board of county commissioners.

Terms of office shall be for two years and shall be arranged as follows:

1. If three members are appointed, no more than two terms shall expire in any one year.

2. If four members are appointed, no more than two terms shall expire in any one year.
3. If five members are appointed, no more than three terms shall expire in any one year.

At the time of the initial appointment, the decision as to which terms are to expire at the end of the first year shall be determined by lot by the county superintendent of schools. Vacancies shall be filled in the same manner as original appointment. The county superintendent of schools shall serve as secretary and executive officer of the board.

The county board may contract with any school district inside or outside of the county to provide special educational services for educable handicapped children. After approval by the county commissioners, the program plan and budget must be submitted to the department of public instruction for approval.

The county commissioners of two or more counties may decide to form a multiple county board of special education. The board will consist of one member, appointed by the county superintendent from each county commissioner district within the counties. The multiple county board of special education shall designate one of the county treasurers to act as treasurer of special education funds. The board also designates one of the county superintendents to act as secretary and executive officer of the board. Remaining members perform any duties in connection with the special education program designated by the multiple county board.

Any county may withdraw from a multiple county program by resolution of their board of county commissioners. The withdrawal takes effect one year after notice of withdrawal is given to the remaining boards of county commissioners. The withdrawing county remains obligated for those costs prorated to it for the period prior to the effective date of withdrawal.

School districts in counties which have not adopted county or multiple county programs will continue district special education programs only until county or multiple county boards of special education are appointed.

In providing special education to exceptional children, any school district may act jointly with one or more other districts and must cooperate with the state advisory council and the director of special education and with the state institutions.

County speech correction programs usually serve the entire county school population, at least as a testing and evaluation service, with a waiting list of cases where the case load is too large for one clinician. Some "county programs" are only multi-district programs and contract to serve only a portion of a large county.

The clinician and county superintendent of schools work out a schedule for a reasonable program, usually including school enrollments to total 1000 to 1500 children. This has

proven to be a sound basis for establishing a program on a permanent nine-month, full-time basis. The case load should be maintained at between sixty and eighty children depending on the distance to be traveled, number of schools to be served, and grouping of cases possible.

Each week the clinician follows an appointed schedule traveling to designated centers established within the county. Children from rural schools will come in to the schools designated as centers. Children in need of speech correction are to be seen at least twice each week.

In some counties, a split schedule program is used. All other aspects of the program are the same as the regular speech correction program, but the scheduling is different. Where the program must serve a very large county or unit, the geographic area may be divided into two sectors. Planning around road and weather conditions, the clinicians will schedule intensive correction in each sector during a shorter period of the school year. Following testing of children throughout the county in the fall of the first year of the program, the clinician will schedule speech correction three of four times each week for children in Sector A for a period of twelve to fourteen weeks. While concentrating on Sector A, Sector B receives one day of speech correction for children with greatest need. Sector B will receive an identical program during the ensuing twelve or fourteen weeks with Sector A receiving the follow-up for children with greatest need.

The school district sponsoring the program receives tuition payments from the child's home school district.

The county board annually prepares a budget and a program for special education. These are submitted to the board of county commissioners at the same time and in the same manner as other as other budget statements and matters are filed.

If the program is approved by the county commissioners, funds may be budgeted from a county general fund or, following approval by a majority of the voters at an election called by the county commissioners, a tax not exceeding three mills on all taxable property in the county may be levied to carry out the special educational program. This mill levy is over and above any other mill levies provided by law and is collected and paid in the same manner as other county property taxes. The proceeds of this tax and any other funds received from the state or from other sources for special education are credited by the county treasurer to a special education fund. These funds may be expended only within the limitations of the budget approved by the county commissioner.

NORTH DAKOTA

If, at least 30 days in advance of any regular county election, a petition signed by five percent of the electors of the county is filed, the question of whether to continue the mill levy will be submitted to the voters. If it is disapproved by a majority of the voters, the levy will be immediately discontinued but previous levies will not be invalidated. A subsequent vote upon this same question may be conducted at any county election if a petition containing the signatures of five percent of the voters is filed with the county commissioners.

Expenses of members of the board shall be paid in the same manner as expenses of other county officials are paid. The board of county commissioners may in its discretion provide for additional per diem compensation.

The county board contracts with a school district to provide services.

If the county plan is approved by the department, state payment for special education will be paid to the county board. If the budget and program are not approved, the payments will be made to the school districts directly providing special education facilities. County boards will be reimbursed in the same manner as local school districts.

The approval procedure and the raising of the mill levy is the same for multiple boards as it is for individual boards.

State special education funds help the local school or county financially. Reimbursement for a city school program has been $ 2000 per unit and for a countywide service or one involving two or more school districts, reimbursement has been $3000. The remaining amount of money must be raised locally, either from the local school board or by assessment of school districts in the county or from county special education funds. The local school administrator or the county special education board will determine the best means of securing the necessary local funds.

OHIO

Cooperative program of tuition contracting between school districts.

Two or more districts or high schools may share on approved unit for work-study coordinator.

OHIO

Two or more districts may arrange cooperatively to employ one speech and hearing therapist.

If a child attends a special education class in a district other than his district of residence, the board of education of the servicing district may require a payment from the sending district at a tuition rate not exceeding the tuition rate for a child in a regular class in the same grade. The district of residence of a child may contract with the board of another district to transport the child into any school district on terms agreed by both boards. Under the direction of the state board of education, the district of residence will pay for transportation and tuition costs.

If the tuition rate paid by the sending district exceeds the per capita cost for the instruction of the child, the board of education of the sending district shall pay directly to the board of the servicing district the excess cost as determined by a formula approved by the department of education and agreed upon in contracts entered into by the boards of the districts concerned at the time the district operating the special class accepts the child for enrollment.

Tuition rates for handicapped pupils receiving special services in a district other than their district of residence are determined by computing the total expenditures of the schools in the receiving district. The operating cost is computed by deducting the amounts expended for capital outlay, permanent improvements, debt service, transportation, operation of school lunchrooms, tuition to other school districts, operation of kindergarten classes, operation of summer schools, part-time school, evening schools, and maintenance of playgrounds from total expenditures. Depreciation charges not exceeding three percent and annually based on the actual cost to the district may be added, plus any amount of private donations or grants. Federal grants and all property except land used in conducting the school will be substracted from the total. From the operating cost plus depreciation charges will be deducted the proceeds of all state monies apportioned to the district, interest on the irreducible debt and income from school trusts and land rental funds. The remainder is divided by the number of pupils in daily membership in grades one to 12 inclusive. Attendance for any part of the month is regarded as attendance for a month unless the annual session is terminated before the end of the full month. The amount of tuition computed in this section must be certified by the board of education in the district of attendance to the board of education of the district of residence for approval and payment. If no agreement is reached as to the amount payable or if the board of education of the district of residence refuses to pay the amount, the board of education of the district of attendance will notify the superintendent. The superintendent will then determine the correct amount and will deduct the same from the amount of state funds, if any, allocated to the district of residence and transfer them to the receiving district. The superintendent will send to the district of residence an itemized statement showing any deductions.

OKLAHOMA

School districts may fulfill the mandatory requirement of the law by: 1. joining in a cooperative program with another district or districts to provide special education; or 2. transferring certified handicapped or exceptional children into other school districts providing appropriate special education with the districts of residence paying tuition.

Two or more school districts may establish cooperative programs for exceptional children if such an arrangement is approved by the state board.

County superintendents of schools may establish and maintain special education programs, with the approval of the state board.

If any school district fails, neglects, or refuses for any reason whatsoever to provide special education for a handicapped exceptional child, certified as such by competent authorities and residing in such district, as directed by law, the following is authorized: the child will be entitled upon petition by the child's parent or guardian, without consent or approval of the school district not providing special education, to transfer to any adjacent or nearby school district which will accept the handicapped exceptional child and provide the special education which such child is entitled to receive. The school district in which a child transferring under this section resides must pay to the district receiving and educating such child, as tuition, a special education transfer fee. Provided the average daily attendance of such child shall be credited to the home district of such transferee. The special education transfer fee shall be the per capita cost of the receiving district for current expenditures for the special education of such handicapped exceptional child based upon the cost of teachers, equipment, material, and special costs associated with the special education class. It shall be the duty of the school district from which such handicapped exceptional child transfers to appropriate and pay such special education transfer fee to the district which receives and educates such child. If a school district owing such special education transfer fees shall fail, neglect, or refuse for any reason whatsoever to appropriate and pay such special education transfer fees, then the school district entitled to receive such fees shall certify such fact to the finance division of the state department of education. Upon receipt of such certification, the finance division shall deduct the amount of the special education fee from any state foundation program or incentive aid otherwise due the sending district and transmit such amount to the receiving district.

The state board of education may make provisions for boarding exceptional children who must be transferred from their home school districts to school districts providing special education, but in no case may the reimbursement from other state funds for this purpose exceed four hundred fifty dollars ($450.00) per child per year.

Reimbursement of inter-district transportation for exceptional children will be made when a school district providing special education services pays the transportation costs of the transferred pupil being transported from a point in another district to its own special education class or school.

OKLAHOMA

The county superintendent of schools may expend county funds for the county program. Any school district or districts located wholly or in part of the county may participate in the program and have the authority to contribute school district funds either directly or by reimbursement to the county participating in such a program.

OREGON

If it is more economical to the school districts providing the classes, either singly or jointly on a contractual basis between school districts, the superintendent of public instruction may provide for regional facilities to instruct handicapped children. He will delegate full responsibility for the operation and administration of these facilities to the school district in which the facility is located. He does not have to delegate the responsibility to the school district but may operate the facility and be responsible for the administration itself.

Eligible handicapped children who need special education service not available to them in the school district in which they are legally resident may be transferred to another school district where the special service is available. Special transfer arrangements are usually made between districts through an interdistrict agreement. In some cases, school districts may also work cooperatively with the Oregon Board of Education in setting up the transfer.

School districts may also cooperate with public agencies providing psychiatric services for children to establish clinical elementary and high school services for children who are maladjusted or have extreme learning difficulties.

The district will be reimbursed from the funds provided for the education of handicapped children for expenses incurred in the operation and administration of the center.

Any district enrolling a child in a district other than that in which he would be regularly enrolled to obtain special education must continue to pay to the district in which he is enrolled a sum equal to the cost of educating a child in the district in which he is enrolled. Any school district providing special education to children in the district through a county or regional program of special education in the form of a special class or school must contribute a sum not less than the elementary or secondary per capita cost of educating the children had they been enrolled in the district.

The school district in which the child is legally resident may be reimbursed up to one and one-half times its per capita cost for the excess cost involved in the transfer. When reimbursement is anticipated, prior approval must be obtained from the superintendent of public instruction.

PENNSYLVANIA

All school districts in the state are assigned to an intermediate unit and are entitled to receive services provided by these units.

Two or more intermediate units may, with the approval of a majority of each intermediate unit board of directors and all school districts within each intermediate unit, submit to the state board of education a request for consolidation. If it is approved by the state board, it becomes effective the following July 1.

Intermediate units annually submit a program of services for the next school year to the superintendent of public instruction for budgetary approval.

All powers and duties formerly held by county boards of education regarding special pupil services are now vested in intermediate unit boards of directors.

Intermediate units are limited to providing curriculum development and instructional improvement services, educational planning services, instructional material services, continuing professional education services, pupil personnel services, state and federal agency liaison services, and management services. Any additional services must be approved by the majority of all boards of school directors comprising the intermediate unit. Intermediate units may provide any of the services mentioned in this section to non-public, non-profit schools which are authorized to contract for and purchase services from intermediate units.

Intermediate units must provide, maintain, administer, supervise, and operate any additional classes or schools necessary or otherwise provide for the proper education and training of all exceptional children not enrolled in classes or schools maintained and operated by school districts or for whom other provisions are not made.

If the superintendent of public instruction feels that the provisions of the laws have not been complied with or the needs of exceptional children are not being adequately served, the department of public instruction is authorized to supervise and operate classes in schools for the education and training of exceptional children. Eligibility for enrollment is determined by standards of the state board.

The ADM of pupils enrolled in classes or schools for exceptional children operated by an intermediate unit or by the department of public instruction are credited to the school district of residence for determining the district's teaching units in calculating the district's reimbursement fractions or weighted ADM used in calculating the district's aid ratio and determining payments to the district on account of instruction.

If the state funds allocated to the unit are less than budgetary requirements, all school districts within the intermediate unit will contribute a share of the amount by which the budget exceeds the allocation. The school district contributions will be determined by:

PENNSYLVANIA

1. Determining a weight factor for each school district by multiplying the school district's weighted ADM by the difference between 1.0000 and the school district's aid ratio;
2. Determining a value per weight factor for the intermediate unit by dividing the amount by which the budget exceeds the allocation by the total weight factor of all school districts comprising the unit; and
3. Determining each school district's share by multiplying the value per weight factor by the weight factor of the school district.

By July 1 of each year intermediate units must submit for prior review and approval estimates of the cost of operating and administering classes or schools for exceptional institutionalized children, including the cost of fiscal control such as auditing and necessary treasurers' and secretaries' bonds operated by the intermediate unit and transportation of children to and from classes and schools for exceptional children whether or not they are conducted by the intermediate unit. By August 1 the state will pay to the intermediate unit a sum equal to one-half of the approved estimated annual cost of operation and administration of classes for exceptional and institutionalized children and transportation and on or before January 1 they will pay an equal sum or lesser sum as may be shown to be necessary by an adjusted budget. At the end of each school year all unexpended funds will be credited to the state. All returned funds are specifically appropriated to the department of public instruction for the support of schools and classes and transportation for exceptional children. For children enrolled in any special class or school for exceptional children operated by an intermediate unit, the district in which the child is a resident will pay to the state the sum equal to the "tuition charge per elementary pupil" or the "tuition charge per high school pupil." In addition, districts will pay for transportation of children by the intermediate unit an amount determined by subtracting from the cost of transportation the per pupil reimbursement due the district for transportation. The superintendent of public instruction shall withhold any monies due the district out of state appropriations except for rental reimbursement.

For all children enrolled in a special class or school operated by the department of public instruction, the school district of residence will pay the state a sum equal to the tuition charge per elementary pupil or the tuition charge per high school pupil, as determined for the schools operated by the district or by a joint board of which the district is a member based upon the cost of the preceding school term plus a sum equal to 10 percent of the tuition charges. If a district has not established a tuition rate, the superintendent of public instruction will fix the rate. To facilitate payment, the superintendent of public instruction will withhold from any monies due the district out of the state appropriation the amounts owed by the school district to the state. All withheld amounts are specifically appropriated to the department of public instruction to maintain and administer centers and classes for exceptional children.

RHODE ISLAND

Regional school districts may be formed to provide education for the handicapped as well as other types of service.

Whenever possible, two or more districts or towns may organize to provide educational services for those children needing special care and instruction.

A city or town with too few handicapped children of any one type to justify establishing a special class may contract with another city or town to provide education for such children.

Communities may utilize pre-school programs offered by other communities, the state, or other agencies whose pre-school programs are approved by the commissioner of education.

SOUTH CAROLINA

The board of trustees of all school districts, upon approval of their plan, must establish and operate programs insuring an appropriate education for each handicapped child within their district and must maintain adequate records of the training and services provided and the children participating in the program. When a school district cannot satisfy these requirements because there is an insufficient number of resident handicapped children, the district may contract with other districts within the state or with school systems or institutions outside South Carolina maintaining approved special education facilities. The sending district must document this lack of numbers and receive prior approval from the state department.

The sending district may contract and pay the receiving district or institution the per capita costs of instruction, special equipment, and special services not reimbursed to the receiving district by state, federal, or other monies plus the cost of transportation and of maintenance if the nonresident child must reside away from home. The district entering into the nonresident contract arrangements approved by the state department is reimbursed by the department for tuition fees, transportation, and books not exceeding the per pupil cost of educating a handicapped child of identical age in the public schools. Special arrangements for multiple handicapped children for whom special appropriations are provided because of the severity of their handicaps may be made with the department. District and state educational agencies are required to cooperate with other agencies in the state, both public and private, interested in working toward the education, training, and alleviation of the handicaps of handicapped children. All such agencies are authorized to accept gifts or donations from private agencies.

SOUTH DAKOTA

School districts may contract with each other to share the services of a superintendent of schools, a business administrator, supervisors, specialists, teachers, and any other employees.

TENNESSEE

A school district may independently provide education, corrective and supporting services for handicapped children, or may fulfill its obligation to provide special education services by participation in a special education services association. School districts may perform all or part of their special education functions through participation in a special education services association. School districts must provide special education or related services not provided by the association on an individual basis or in any other approved manner. A services association must provide services for the entire area included within the school districts participating in it. The association may be established by resolution of each of the governing boards of the participating districts.

The governing board of the special education services association consists of representatives of participating districts. Unless otherwise noted in the written agreement establishing the association, each participating district has one representative. The representatives to the governing board are elected from its own members by the respective governing boards of the school districts. Each representative has one vote.

Special education services associations have the power to:

1. Establish and operate programs and classes;
2. Acquire, construct, maintain, and operate facilities to provide education and corrective and supporting services for handicapped children;
3. Arrange with participating districts to provide necessary special education services;
4. Employ special education teachers and other appropriate personnel;
5. Acquire, hold, and convey real and personal property;
6. Provide any required transportation;
7. Participate and make its employees eligible to participate in any retirement or group insurance system or any other program of employee benefits on the same basis as other school districts and their employees; and
8. Conduct any other activities necessary and incidental to carrying out the foregoing powers or any other powers conferred upon the association elsewhere in the laws of the state.

Services associations may operate special education centers to provide diagnostic, therapeutic, corrective, or other services on a more comprehensive, expert, economic, and efficient basis than a single school district. These services may be provided in regular schools utilizing center equipment and personnel when necessary in its own facilities.

These centers may also contain classrooms and/or other educational facilities and equipment to supplement instruction and other services for handicapped children in regular schools and may provide separate instruction to children whose degree or kind of handicap makes it impractical or inappropriate for them to participate in classes with normal children. These centers may include dormitories or related services and facilities for handicapped children unable to commute daily for education and related services. No facilities may be constructed unless the services association receives a permit from the division for education of the handicapped. The permit may contain any conditions the division feels necessary to assure conformity with state policy. Permits are issued only if the division is satisfied that all efforts have been made to accommodate the education and related services in a regular school building or on regular school premises and that separate facilities are necessary.

TENNESSEE

Services associations must provide all education and corrective and supporting services for all handicapped children and residents except for those special education and corrective and supporting services provided directly by the state or by individual school districts as provided in the written agreement. A services association may make arrangements with private schools, institutions, and agencies for services to handicapped children if it is unable to provide appropriate services with its own facilities and personnel or the facilities and personnel of its member district. Home or hospital instruction and corrective and supporting services are provided only if the nature and severity of the handicap make such provision in the regular schools or in any other facility of the services association, the state, or a suitable private facility impractical.

A services association in the process of formation must submit to the state board the interschool district agreement under which it proposes to function. This may be submitted either prior to or subsequent to the adoption of the agreement and resolution, but no special services association may receive state aid until the state board approves the agreement. Associations are approved for state aid if the state board determines that:

1. The association complies with the special education provisions or if the association is not yet in operation, that it will have the resources and authority to comply;
2. The geographic area served or to be served by the association is not so located or of such a configuration to exclude one or more of the school districts from effective participation in the services association or from forming a viable association of their own.

Any district may apply for and receive the status of a special education services association by submitting to the state board an appropriate resolution of its governing board requesting this status. No association shall be approved by the state board unless it finds that the school district maintains a full complement of special education facilities and programs and complies with all provisions of this act.

All services associations other than those composed of a single school district must function pursuant to an interschool district agreement. The agreement may be incorporated in the resolution or other action forming the association or may be a separate document. It must be adopted by either an affirmative vote of each governing board of the participating school districts or by affirmative vote of the electors in each district. The agreement must contain:

1. Identification of the participating school districts;
2. An enumeration or precise delineation of the services to be provided;
3. Provisions describing the internal management and control of the association;
4. Provisions defining the relationship between participating school districts and the association in regard to responsibilities for the regular education of handicapped children and special education and corrective and supporting services for these children;
5. Provisions denoting the financial responsibilities of all participating school districts or formulas, procedures, or other methods for the calculation of the district's financial responsibilities;
6. Minimum duration of the agreement;
7. Provisions for the disposition of association property if the agreement is dissolved;

8. Financial settlement, if any, with a withdrawing school district; and
9. Any other necessary or appropriate provisions.

The agreement must be submitted to the state board and the attorney general prior to its becoming effective and must be approved by both units. If the state board and attorney general do not respond to a submitted agreement within 90 days approval is assumed. The state board is required to approve any agreement unless it finds that the provisions do not agree with the provisions and policy set forth in this act or if it finds that the agreement does not contain sufficient evidence that the services association will have the means of providing the facilities, personnel, and services to fulfill its obligations. The attorney general shall approve an agreement unless he finds it to be in improper form or if one or more of its provisions is contrary to law.

School districts wishing to withdraw from the services association or from any part of the association must obtain the approval of the director of the division for the education of the handicapped. The director may grant approval only after conferring with the district and assessing that the withdrawal is in the interest of handicapped children in the association and school district. The withdrawal is effective only if the school board has the approval of the director to establish a comparable program. The withdrawal is not effective until the end of the next full school year.

An association may be dissolved by its governing board but the dissolution cannot take place until the end of the school year in which action is taken. All assets and liabilities are distributed to all entities participating in the association.

For state aid purposes, handicapped children will be counted in the same manner as other children. In addition to regular state aid, any school district or special services association maintaining an approved program of education for handicapped children is entitled to receive reimbursement from the state for the excess cost of individuals in the program above the cost of the pupils in the regular curriculum determined in the following manner:

Each special education services association must keep an accurate, detailed, and separate account of all monies paid out by it for the maintenance of each type of classes in schools for the instruction and care of pupils attending them and for the cost of their transportation and must annually report the excess cost for elementary or secondary public schools of the school districts served by the special education services association for a like period of attendance.

If any of the educational or other services under this section are provided partly by one school district or other entitled entity and partly by another such district or entity and if there is no valid contract or agreement by which one of the districts or entities is the proper claimant for all of the aid in question, each district and entity is entitled to claim and receive a proportionate share of state aid in accordance with its actual assumption of costs. The state department shall provide for the calculation and apportionment of state aid in such cases.

TENNESSEE

The state commissioner of education may distribute to a county, city, or special school district minimum school program "excess cost" funds not exceeding $5 per day or $1,000 per year for each multiply handicapped child approved by the state commissioner to help pay for educational services and facilities for multiply handicapped children. If there are no facilities within the state to provide for such children, and if the county, city, or special school district of residence supplements the state funds in an amount necessary to provide appropriate educational services and facilities, these children may be sent to out-of-state facilities. The maximum amount of $1,000 per year covers a 200-day school year. For any lesser number days reimbursement will be reduced proportionately.

The state board of education is responsible for assisting two or more county, city, or special school district boards of education in establishing classes through a cooperative contract in districts having insufficient numbers of students to warrant the establishment of such class singly. Each special education services association must keep an accurate, detailed, and separate account of all monies paid out by it for the maintenance of each type of classes in schools for the instruction and care of pupils attending them and for the cost of their transportation and must annually report the excess cost for elementary or secondary public schools of the school districts served by the special education services association for a like period of attendance.

A special education services association has the power to receive, administer and expend appropriated funds and proceeds of any school bond issue or other bonds intended wholly or partly for its benefit, and to apply for, accept and utilize grants, gifts, or any other assistance.

An individual school district may qualify for state aid as a special education services association if it provides a full complement of education and corrective and supporting services exclusive of services provided directly by the state for all handicapped children within its boundaries. The state board of education is responsible for determining whether the applicable school district meets the requirements of a services association.

A district withdrawing from a services association is liable for its proportionate share of operating costs until its withdrawal becomes effective and will continue to be liable for its share of debts incurred while it was a participant and receives no share in the assets.

TEXAS

Two or more school districts may jointly operate special education programs. Any school district may contract, where feasible, with any other school district for all or part of the program under the rules and regulations established by the state commissioner of education. One district serves as the fiscal agent for the program.

Programs operated cooperatively or jointly between two or more school districts must be described in the Special Education Five-Year Planning Document.

TEXAS

One school district contracting with one or more districts for part or all of its programs and services for exceptional children must describe such arrangements in the Special Education Five-Year Planning Document.

Special education pupils are eligible for transfers from one school district to another on the same basis as other pupils in accordance with existing statutes, policies, and administrative procedures. The receiving district may accept or reject the application according to policies of the local board of trustees.

The Texas Education Agency is authorized to establish on a county-wide basis special day schools for the deaf in all counties having a population of 300,000 or more inhabitants, according to the last preceding federal census.

The Texas Education Agency is authorized to establish on a bi-county-wide basis special day schools for the deaf in any two contiguous counties whose cumulative population exceeds 240,000 but does not exceed 335,000 inhabitants according to the last preceding federal census.

School districts in counties contiguous to those authorized to operate a bi-county-wide day school for the deaf may participate in the day school for the deaf program upon approval by the Texas Education Agency of requests from a school district in a county contiguous to those counties authorized to operate the bi-county day school and the school district designated to conduct the school. Such authorized participation shall be on the same basis as for school districts within the counties authorized to operate the school.

Upon approval of the Texas Education Agency and the school district designated to conduct the school, those school districts in counties which are contiguous to the contiguous counties which are authorized to participate in the bi-county-wide day schools for the deaf also may participate on the same basis as school districts within counties previously authorized to operate the schools.

Designated day schools, county or bi-county, shall be administered by a centrally located school district designated by the Texas Education Agency. The designated school district shall provide appropriate physical facilities, buildings, equipment, supplies, materials, and transportation to all eligible children residing in the county or bi-counties without regard to school district boundaries.

The Commissioner of Education designates the local school district in eligible counties to operate day schools for the deaf.

In a contract between the Commissioner and the authorized school district the following is stipulated:

TEXAS

a. The Texas Education Agency provides financial support to the county-wide day schools for the deaf in accordance with provisions of the statutes authorizing the program.

b. The designated local school district provides the administration, educational program, pupil transportation services, and necessary facilities to maintain and operate the county-wide day schools. The program is located on one school campus unless otherwise approved by the Commissioner.

All deaf children between the scholastic ages of 6 and 21, inclusive, residing in the county providing a day school program therein authorized for such scholastics, shall be eligible to attend the school designated by the operating district.

Deaf children between the scholastic ages of 6 and 13, inclusive, in such counties (heretofore eligible for admission in the Texas School for the Deaf are not eligible for admission to the Texas School for the Deaf except upon recommendation of the superintendent of the operating district with the concurrence of the superintendent of the Texas School for the Deaf.

Children enrolled in the county-wide day schools in such counties, who become 14 years of age on or before December 31, are eligible for admission to the Texas School for the Deaf or to continue their academic training and program of vocational planning, guidance, and training in the special day school.

Pupils who are deaf and severely hard of hearing (auditorially handicapped) are those whose hearing is nonfunctional (after all necessary medical treatment, surgery, and/or use of hearing aids) for the purpose of understanding normal conversation and results in a delay in language and/or speech development or otherwise creates an educational handicap.

Admission to the program is made after evaluations have been completed on the following:

- physical status
- otological examination
- audiologist's evaluation
- educational background and intellectual assessment
- medical and family history

In the case of a multi-handicapped child, deafness must be the major handicap.

A local admission, review, and dismissal committee is established. This committee has the responsibility for admission of pupils to the program, for annually reviewing the progress of each pupil, and for dismissal of pupils from the program.

On accepted transfers the receiving district may charge a reasonable tuition not to exceed a reasonable estimate of local operating cost. The receiving district has a responsibility of notification of tuition increase 60 days prior to June 1.

TEXAS

In addition to meeting the provisions of the policies and administrative procedures for pupil transfers applicable to all students of the state, the tuition of special education pupils who transfer is the responsibility of the parent or guardian if service is provided in the home district. If services are not provided in the home district, that district (home district) has a responsibility for tuition payment.

An application for transfer can be requested from the Division of Finance of the Texas Education Agency by the receiving district. This form is returned to the Division of Finance by June 1 preceding the school year in which the transfer is to take effect. Upon approval by the Texas Education Agency, state funds for the student being transferred are assigned to the receiving district. In certain hardship cases approval may be granted for transfers when the application is received by October 1 of the year in which the transfer is to take effect.

No school district within a county which has a county-wide or bi-county-wide day school for the deaf is eligible under the regular program of special education to apply for teacher units or contract allocations with approved non-public schools for deaf pupils in the age range served by the county-wide program.

The total cost of operating county-wide day schools must be borne entirely by the state and shall be paid from the Foundation School Program Fund.

No part of the operating costs herein provided for may be charged to the school districts of this state.

Formulas as set forth in the statutes must be used in determining the operating costs for the programs as authorized.

The salary to be paid to a teacher, supervisor, visiting teacher, or principal in the county-wide or bi-county-wide day school for the deaf must be in accordance with the salary schedule of the district where the day school is established.

No state funds provided for the day schools for the deaf may be used for any other purpose.

Personnel Formula

Local school districts establishing this program are allocated teacher units on the basis of the following formula:

	County-Wide	Bi-County-Wide
Teachers	One for each eight pupils or major fraction.	One for each seven pupils or major fraction.
Principals	One for each 15 or more teachers.	One for each such school.

TEXAS

	County-Wide	Bi-County-Wide
Supervisors	One for each 10 teachers not to exceed three, however, a minimum of one for each approved school.	One for each 10 teachers not to exceed three, however, a minimum of one for each approved school.
Visiting teachers	One	One

Allotments

Operation Allotment

An operation expense allotment of $700, including transportation, is allowed per each eligible deaf pupil enrolled in the program on the first Monday in October or the designated date for each current school year.

Initial Allotment

One initial allotment in the amount of $3,000 per teacher unit approved for the first year of operation only for the inauguration of an elementary program, ages 6 through 13, inclusive, is allowed for the acquisition of transportation vehicles, auditory and other classroom equipment and other aids and adjustments needed for training such deaf pupils in this program.

Another initial allotment in the amount of $3,000 per teacher unit approved for the first year of operation only for the inauguration of the secondary program, ages 14 through 21, inclusive, is allowed for the acquisition of transportation vehicles, auditory and classroom equipment and other aids and adjustments needed for training such deaf pupils in the secondary program.

Application Procedures

The cost of this program is determined by statutory formulas. The law provides that all state funds allocated are used for no other purpose than for the operation and maintenance of a county-wide or bi-county-wide day school for eligible deaf pupils. The district will keep revenue and expenditure accounts for these monies. If, at the end of the school year, the revenues exceed the expenditures, the excess will be returned to the Texas Education Agency.

The preliminary application for funds is filed by each designated school district with the Finance Division of the Texas Education Agency on or before August 20 of each year, such application to serve as a tentative basis for allocating funds. The application contains an estimate of enrollment for the school year concerned and has attached an official salary schedule of the designated school district.

TEXAS

The application is to also contain information as to the certificate number, degree status, years of experience, salary, etc., for each teacher, principal, supervisor, or visiting teacher assigned to the program If all eligible units have not been filled at the time the preliminary application for funds is filed, the district may estimate the salaries to be paid for such units.

The enrollment on the first Monday in October of each year or on such date designated by the district in its preliminary application for funds is to serve as a basis for allocating funds for that year.

In addition to the preliminary application for funds, the district is required to file a final application for funds which will reflect the number of eligible pupils enrolled the first Monday in October or on the designated date.

UTAH

Services may be purchased from other districts and public agencies by school districts unable to serve some handicapped children.

VERMONT

If a handicapped child is not receiving the educational opportunities to which this law entitles him the local superintendent must request the superintendent to provide educational opportunities provided under this law.

With attorney general approval, the state board may enter into reciprocal agreements with boards of education in other states to share expenses in securing services of specialists or other persons skilled in the education of handicapped children.

It is the responsibility of each district or districts participating by joint agreement to hold parent conferences in compliance with department of education regulations. Further approved reports shall be sent to parents and to the division of special educational and pupil personnel services in February and June in the form approved by the division.

A district providing either a total or partial special education program for a nonresident handicapped child must claim from the school district of residence the actual costs not covered under state aid received under this chapter.

Districts providing services to handicapped children who are wards of a state agency will claim from the appropriate agency the costs of special education above that reimbursed by state special education aid.

It is the responsibility of each sending district to see that suitable transportation is supplied for each child needing such transportation. Need must be determined by the division of special educational and pupil personnel services.

VERMONT

If a handicapped child is receiving education or special education in a school operated by a state agency the agency must be the school district of residence for the child. All conditions of this chapter applying to school districts shall apply to the agency. The department of education is excluded from this provision.

When a program is provided by the commissioner costs will initially be paid by the state board but the district of residence shall reimburse the state for all expenses not exceeding the average per pupil cost in the district for the preceding school year. For children receiving less than a full year of special education, the reimbursement is the average per pupil cost divided by the number of weeks in the school year and multiplied by the number of weeks during which the child was receiving special education. The amount due the state may be withheld from the state aid due the district in December. The expenses of a child who is a ward of a state agency will be paid by the agency not exceeding average per pupil cost for the preceding school year.

VIRGINIA

Any school district may enter into an agreement with another school district or combination thereof to pay the tuition costs of providing educational programs for hearing impaired children.

The state board of education may reimburse local school boards up to 60 percent of the tuition in an amount not exceeding the actual cost of educating children. The state board may reimburse local district boards in operating a free school special education program for hearing impaired children, ages two to five, 60 percent of the cost from the state funds which shall be appropriated for this purpose.

WASHINGTON

In order to provide appropriate educational opportunities for handicapped children, the board of directors of each school district may contract for special education services with other agencies or shall participate in an intermediate arrangement.

Boards of directors of the school districts are authorized to contract with agencies approved by the state board in order to provide services for all handicapped children. Approval standards for these agencies shall substantially conform to the standards for special education programs of the common schools.

Cooperative programs may be developed between two or more school districts. Services may be offered by a single district for other districts or a program may be operated jointly within these districts. Financial arrangements in cooperative programs vary in accordance to the degree of service secured from another district. The type of extent of services and financial arrangements should be in written form between the cooperating districts, and local school district fiscal responsibility should be clearly defined. Such agreements should be made prior to enrolling a child by the participating district to a serving district.

WASHINGTON

Educational services are provided in state residential schools through the local school district in which the state residential school is situated. The administrative responsibility for the operation of the school programs in State residential schools remains with the local school district, with the residential school superintendent retaining full jurisdiction over and responsibility for the residents. These operational practices have been agreed upon by the office of the superintendent of public instruction, the department of institutions, and the local school district and are regularly reviewed. Biennial budget needs for these educational programs are determined separately and apart from those of the local school district.

Any district providing services to children at home or in other approved places for those children unable to attend school, is granted the regular apportionment of state and county school funds and any allocations available from the state excess funds for these services. If a handicapped child attends the special education program operated by a school district other than his district of residence, the regular apportionment is granted to the receiving school district, and the receiving school district is reimbursed by the district in which the child resides for the entire approved excess cost not reimbursed by the regular apportionment in accordance with the rules and regulations of the superintendent.

The cost of room and board in facilities approved by the department of social health services is provided by that department for those handicapped children eligible for aid under the programs of the department. The cost of approved room and board for those children not eligible but in need of this service, shall be provided, but no school district is financially responsible for special aid programs for students attending residential schools operated by the department of social and health services. However, no provisions of the act shall "preclude the extension by the superintendent of public instruction of special educational opportunities to handicapped children and residential schools approved by the department of social and health services."

WEST VIRGINIA

Counties not providing or maintaining special schools, classes, or home or visiting teacher services may provide for their resident exceptional children by contracting with other counties which maintain programs.

The sending county will pay the receiving county the per capita cost of instruction, special equipment, and special services not reimbursed to the receiving county by state funds, plus the cost of transportation, board, and lodging, if necessary.

WISCONSIN

County boards may operate programs for handicapped children for all school districts in the county. The program may provide for one or more special schools, classes, treatment or instructional centers, or other services for one or more types of handicapped children. School districts are included in the county program only to the extent approved by formal action of their own school board. If the county board establishes such a program, it then creates a board to be known as the "Handicapped Children's Education Board."

This board, consisting of three or five persons as determined by the county board of education, is elected by the county board or appointed by the chairman, according to the rules of the county board. Members should be elected from the parts of the county participating in the program and be representative of the area the board serves. School board members, county board members, and other electors may serve on the board. Annually, one member is selected as chairman and one member as secretary by the board. The county treasurer serves as board treasurer, although he is not a board member. An advisory committee, composed of school board administrators representative of the area served, will be appointed. The board must apply to the state superintendent to establish programs. Applications must state whether the program will be available in the county at large or only to certain school districts. All matters pertaining to the organization, equipment, operation, and maintenance of programs for the handicapped is the responsibility of the board. The board may do all things necessary to perform its functions without restrictions due to enumeration, including erecting buildings (subject to county board approval) and employing teachers and other personnel.

The county board may assign, by resolution, the functions of the handicapped children's education board to a cooperative educational services agency operating within the county. However, if the board continues to exist, it has authority to contract with the agency board of control or school board of any district in the county for professional and administrative services.

A school board of any district included on the board may withdraw from participation in any part of the program, with the approval of the state superintendent after he has conferred with the board and is satisfied that the withdrawal is in the interest of the county program and the affected school district. The withdrawal will be effective only if the school board has the approval of the state superintendent to establish a comparable part of the program. The effective date of withdrawal must be at the end of the next full school term. Any program established under this section may be dissolved by the county board, but dissolution may not take place until the end of the school term in which the action was taken. After dissolution, assets and liabilities are distributed to all units which participated in the program.

A plan for transporting at county expense, handicapped children participating in a program may be developed by the board after approval by the state superintendent.

WISCONSIN

Handicapped children residing outside an area served by a handicapped children's education board may be admitted to such a program as a non-resident.

Handicapped children, including preschoolers, residing in a school district, may be admitted to special programs available in any other school district, according to standards of eligibility determined by the division and according to available facilities.

The Cooperative educational service agencies were organized to provide an intermediary service unit between local district and the state supervisory level. Every school district in Wisconsin is included within the area of one of the nineteen agencies. The primary charge of the agencies is to provide a vehicle whereby local district can conveniently cooperate in providing various educational services. Each of the agencies has a board of control consisting of representatives of the school boards within the agency area. There is also an advisory committee composed of district administrators of each district in the agency.

Services provided handicapped children and youth by school districts and county programs may also be provided by the cooperative education service agencies (CESA's). Their authority to provide services is limited to those specifically requested by the participating local districts or County Handicapped Children's Education Boards (CHCEB's)

Districts vary in the types of service they request or desire. There is also a variance in the manner in which different areas of the state utilize the CESA agencies. Cooperative educational service agencies are called upon to offer a wide range of services to the mentally retarded for districts and county handicapped children education boards.

The CESA may contract with local school districts, county boards of supervisors, CHCEB's, and other CESA's in providing services.

Services provided by CESA's include direct operation of special education programs, general administration of such programs, supervisory services, and supportive services.

The tax for operation and maintenance of each part of the program and transportation will be levied against the area of the county superintendent in that part of the program. The board is eligible to receive state aid for transportation, board and lodging, treatment, and instruction of handicapped children participating in programs under this section. All state aid will be paid to the county treasurer and credited to the fund of the board.

An annual budget, prepared by the board and subject to the approval of the county board must include funds for the hiring of staff; purchase of materials, supplies, and equipment, and the operation and maintenance of buildings or classrooms.

WISCONSIN

Districts withdrawing from this program receive no share of the assets, and continue to be liable for their share of the debts incurred while they were participants. Such districts are liable for their proportionate share of operating costs until the effective date of withdrawal.

CESA's assess participating local units a prorata share of the costs for specific service received. CESA's have no power to levy taxes.

CESA's may receive state aids when they operate special education programs for handicapped children. They may apply directly to the state department of public instruction for the initiation, operation, and reimbursement of aids for special classes.

WYOMING

School districts and community college districts, or any combination of them, may work together and cooperate to provide educational services, including, but not limited to vocational, technical education, and adult education and services for exceptional children. Whenever two or more boards of trustees desire to establish a board of cooperative services, the president of each board calls a meeting of all interested boards. At the meeting, if a majority of the members vote in favor, they may enter into an agreement to form a board of cooperative services. This agreement will specify, among other things, the length of term of the agreement, the rights, responsibilities, and obligations of each participating district or community college district, the type of services to be rendered, the procedure for the establishment of additional services, and the procedure for the inclusion of additional districts. The agreement will also provide for the amendment and dissolution of the agreement, but no amendment or dissolution will be effective without the consent of each district. All agreements must be submitted to the state board for approval. At a meeting of all participating boards of trustees, they may elect, by secret ballot, a board of cooperative educational services composed of not less than five and no more than nine members. If there are more than nine districts participating, each participating district or community college district will have one member. Each participating board of trustees, regardless of its number of members, is entitled to cast five votes in the selection of members for the cooperative board. Then each board of trustees, according to the agreement, will have at least one member on the board. The term of office will be concurrent with the terms of office on their individual boards. Officers will be elected. Meetings of the board of cooperative services will be called, held, and conducted, as provided by law for the meeting of boards of trustees of school districts. Costs of facilities, equipment, and services provided under the direction of the board will be financed by the participating school districts and community college districts on the basis agreed upon by the boards.

When it is in the best interests of the child to do so, the district may contract for appropriate educational services for a handicapped child or children with another district

or a public institution, inside or outside the state of Wyoming and be reimbursed for amounts thus expended during the previous school year subject to the limitations contained in the subsections of this section.

Such contracts may provide for services from day training facilities which are licensed and specialized in the education and/or training of exceptional children.

Services for which districts sign contracts should, whenever possible and not in conflict with the best interests of the child, be signed with persons or institutions in the state of Wyoming.

Out-of-state placements must receive the prior approval of the State Board.

In addition to other public school aid, unified school districts will receive state aid using a formula. The assessed valuation per classroom unit in the district will be subtracted from the state average. The difference will be multiplied by the number of classroom units within the district, by seven mills, and by a sum approved by the state board of education.

An amount will be included in the foundation program for the education of children having mental, physical, or psychological handicaps or social maladjustment which impairs learning if they attend school in another district or state. The amount included in the foundation program support for children receiving services in their own district will be the amount expended in the previous school year. State reimbursement for children receiving services in a district other than their district for tuition and maintenance. No reimbursement will be made duplicating any other category.

Districts are required to make an annual computation of the sum of local resources including 75 percent of the amount of tuition paid to the district during the previous school year, but no district may include in its annual computation any tuition paid to the district during the previous school year by another district for the education of pupils with mental or physical handicaps.

In the case of an itinerant teacher and other personnel employed by one district which contracts with other districts for the performance of services by the itinerant teacher for those districts, the employing district must deduct from the reimbursement that it is otherwise entitled to receive amounts received from the other districts pursuant to contract.

Contracts in excess of one hundred dollars ($100.00) for the furnishing of contracted services must receive the prior approval of the review panel upon prior application being made to the division of exceptional children on such forms as that division may now or hereafter prescribe. This item is separate and distinct from other reimbursable items. The review panel may disallow claimed reimbursements under this section less than one hundred dollars($100.00) where contracts for such services have arbitrarily divided into

multiple contracts to avoid the prior approval requirement in this section.

Contracted services reimbursed under this section may be rendered by any public, private, or religious institution provided that the sum set forth in such a contract between a district and a private or religious facility must not exceed the actual cost per pupil in the private or religious institution.

Amounts up to fifty dollars ($50.00) per child for diagnosis and evaluation expended by the district during the previous school year by contract for the initial diagnosis and/or evaluation of a child who is suspected of being handicapped will be reimbursed. Additional diagnosis and/or evaluations for a child or diagnosis and evaluation in excess of fifty dollars ($50.00) above-stated must receive the prior approval of the review panel to qualify for reimbursement under this section.

Maintenance of children in the state of Wyoming for which the district contracts will be fully reimbursed as a separate item under this section and these rules upon prior approval of the review panel after application to the division of exceptional children.